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Crown Property  
and Constitutional Monarchy in Thailand, 1932 – 1948

タイ国の王室財産と立憲君主制 1932-1948

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## **Abstract**

This dissertation investigates the management of the crown property and royal finance in Thailand during the era of the People's Party. Drawing upon historical methodology which values the specificity of the studying period, this study argues that the constitutional concept of governance interpreted by the leader of the 1932 Revolution was the primary framework of the royal court reform. By this principle, the monarch was excluded from the power to manage the royal affairs, including the crown property and royal finance. This dissertation further suggests that the undertaking of the royal court after the reform became accountable to the public as other state affairs. It also examines accountability over the management of the crown property and royal finance by exploring cases in which those who were responsible for the affairs were taken in the investigating process.

Moreover, this dissertation takes account of political conflicts among the leaders after the Revolution in its analysis by investigating how it altered the reform. Accordingly, it examines the results of the reform, which affected the social status and way of life of the royals. This might be helpful in understanding their political roles after World War II and answering why to have the palace affairs turned to be royal prerogative was one of their primary agendas. This dissertation argues that the situations in the early 1950s were significant parts of the end of the constitutional principles applied to the management of crown property and royal finance.

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## Glossary and Terms

### Titles of Traditional Siamese Bureaucrat (descending order)

*Chao Phraya*

*Phraya*

*Phra*

*Luang*

*Khun*

*Muen*

*Phan*

*Nai / Mu*

*Chao Chom*

non-royal minor wife of the king

*Krissadeeka*

Government's Legal Advisory Bureau

*Mom*

nonroyal minor wife of the royal

*Thaow*

Chief of ladies-in-waiting working in the inner Palace



## Abbreviations

BRH	Bureau of the Royal Household
CPAC	Crown Property Audit Committee
CPB	Crown Property Bureau
CPCC	Crown Property Categorization Committee
CRMR	Committee for Reform of the Ministry of the Royal Household
K	<i>Klang</i> – The Ministry of Finance
NA	National Archives of Thailand
ORPS	Office of the Royal Private Secretary
PPB	Privy Purse Bureau
PPD	Privy Purse Department
RL	<i>Ro Lo</i> – Royal Secretariat
R.S.	Rattanakosin era (started in 1782)
SB	<i>So Bo</i> – private documentary materials
SLK	<i>So Lo Ko</i> – Office of the Cabinet Secretariat
SR	<i>So Ro</i> – Office of the Prime Minister
ST	<i>So Tho</i> – Ministry of Education

## Chapter 1

### Introduction

In 2008, *Forbes*, an American online business magazine, published a list of the richest monarchs in the world. Surprisingly, King Bhumibol (1927 – 2016, r.1946 – 2016), then 81 years old and the longest-reigning sovereign in the history of Thailand, was at the top of the list with, according to *Forbes*, 35 billion US dollar.<sup>1</sup> *Forbes* reported that Bhumibol gained his fortunes from landholdings and stocks in Thai giant firms, i.e. banking, cement industry, and insurance companies. In the next three consecutive years, Bhumibol would be at the same position on *Forbes*'s list; however, his assets had decreased to 30 billion US dollars.<sup>2</sup> Since 2011, other online magazines have created their own list of the world's richest royals, and King Bhumibol was always at the top of every list.<sup>3</sup>

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<sup>1</sup> Forbes staff, "In Pictures: The World's Richest Royals," 20 August 2008, Forbes ([http://www.forbes.com/2008/08/20/worlds-richest-royals-biz-richroyals08-cz\\_ts\\_0820royal\\_slide\\_2.html?thisspeed=25000](http://www.forbes.com/2008/08/20/worlds-richest-royals-biz-richroyals08-cz_ts_0820royal_slide_2.html?thisspeed=25000)) The first time the King was listed was in 2007; he was number 5 with 5 billion USD. Please see Devon Pendleton and Tatiana Serafin, "In Pictures: The World's Richest Royals," 30 August 2007, Forbes ([http://www.forbes.com/2007/08/30/worlds-richest-royals-biz-royals07-cx\\_lk\\_0830royalintro\\_slide\\_6.html](http://www.forbes.com/2007/08/30/worlds-richest-royals-biz-royals07-cx_lk_0830royalintro_slide_6.html))

<sup>2</sup> Devon Pendleton, Tatiana Serafin, and Cristina von Zeppelin, "In Pictures: World's Richest Royals," 17 June 2009, Forbes ([http://www.forbes.com/2009/06/17/monarchs-wealth-scandal-business-billionaires-richest-royals\\_slide\\_2.html](http://www.forbes.com/2009/06/17/monarchs-wealth-scandal-business-billionaires-richest-royals_slide_2.html)), Tatiana Serafin and Cristina von Zeppelin, "In Pictures: The World's Richest Royals," 7 July 2010, Forbes ([http://www.forbes.com/2010/07/07/richest-royals-wealth-monarch-wedding-divorce-billionaire\\_slide\\_2.html](http://www.forbes.com/2010/07/07/richest-royals-wealth-monarch-wedding-divorce-billionaire_slide_2.html)), Investopedia, "The World's Richest Royals," 29 April 2011, Forbes (<http://www.forbes.com/sites/investopedia/2011/04/29/the-worlds-richest-royals/#2373bad162b1>)

<sup>3</sup> Sammy Said, "The Top 10 Richest Royals in the World," 25 August 2013, The Richest (<http://www.therichest.com/rich-list/world/the-top-10-richest-royals-in-the-world/?view=all>), Kristen Duvall, "The World's 10 Richest Royals," 11 August 2014, The Richest (<http://www.therichest.com/rich-list/world/the-top-10-richest-royals-in-the-world/?view=all>), "Top 15 Richest Royals in the World," 20 February 2017, Richest Lifestyle (<https://richestlifestyle.com/richest-royals-in-the-world/7/>)

Some responses, occurring immediately after the list was published, were due to the political conflicts which had taken place for years in Thailand, and 2008 was two years after the coup d'état which overthrew the administration of Thaksin Shinawatr, a telecommunication-business tycoon turned politician. Thaksin's *Thai Rak Thai* [Thai love Thai] political party won the general election in 2001. Due to its populist policies, the party overcame its opponents again in the 2005 polling, and became the first political party in Thailand which had held the premiership for the full four year term and won two consecutive elections. Due to its landslide win of 375 of the 500 seats in the House of Representatives, the *Thai Rak Thai* formed a one-party government. Nevertheless, the party's populist policies and Thaksin's CEO style of premiership brought criticisms. More importantly, his growing popularity among voters, especially in the North and Northeastern countryside, frustrated the old establishment. After months of motivation, the anti-Thaksin factions became a movement in late 2005. Of the accusations leveled against him, in addition to the abuse of power, human rights violation, and corruption, competing with the institution of the monarchy was the most sensitive allegation of which Thaksin was suspected.<sup>4</sup> Eventually the coup d'état took place in September 2006 when Thaksin was not in the country. The interim government appointed by the junta drafted a new Charter replacing the 1997 Constitution and prepared for a new election in 2008. Surprisingly, the People's Power Party (PPP), Thaksin's new supporting political organization, which had replaced the *Thai Rak Thai* (which was itself disbanded by order of the Constitutional Court), still

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<sup>4</sup> Thongchai Winichakul, "Toppling Democracy," *Journal of Contemporary Asia* 38, 1(February 2008): 11 – 37, Kasian Tejapira, "Toppling Thaksin," *New Left Review* 39, New Series (2006), Andrew MacGregor Marshall, *A Kingdom in Crisis: Thailand's Struggle for Democracy in the Twenty-First Century* (London: Zed Books, 2014), Kevin Hewison and Kengkij Kitirianglarp, "Thai-Style Democracy: The Royalist Struggle for Thailand's Politics," in Soren Ivarsson and Lotte Isager (eds.), *Saying the Unsayable: Monarchy and Democracy in Thailand* (Copenhagen: NIAS Press, 2010), pp. 179 - 202

won the election despite interventions by the bureaucracy and the military. The PPP's win brought the anti-Thaksin movement back to the street again. This formed the background to the predictable response from royalist factions to the *Forbes* report; *Thai Post*, a royalist and anti-Thaksin newspaper, immediately condemned it by headlining "Attacking the institution [of the monarchy]!"<sup>5</sup>

Reactions from Thai society to *Forbes*'s report illustrated the confusion over the crown's actual assets. Two days before *Thai Post* published its headline, the Ministry of Foreign Affairs explained that the online report was misleading. According to the Ministry, the assets included in the report were not the private properties of the King: rather, they were assets of the state and all Thai people.<sup>6</sup> In 2011, when King Bhumibol was on the top of the richest royals list again, the Crown Property Bureau (CPB) replied to the report in the same fashion as the Ministry of Foreign Affairs, claiming that those properties should not have been counted because they were public assets managed by the Thai government. Chai-anand Samutvanich, a well-known royalist senior scholar, tried to protect the King by indicating that the reported assets were not Rama IX's private possessions.<sup>7</sup> This understanding became the pattern the Thai state used in replying when the institution of the monarchy was questioned about its wealth and prosperity.

Replying to the response of the CPB, Somsak Jeamteerasakul, a historian from Thammasart University, argues that the Bureau's disputation did not conform to the 1948 Crown Property Law (still enforced in 2011). Somsak cites the content and the interpretations of the Law

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<sup>5</sup> *Thai Post*, 24 August 2008, p.1

<sup>6</sup> "Ministry of the Foreign Affairs' replying to Forbes: The List of Richest Monarch was misleading," 22 August 2008, Manager Online (<http://www.manager.co.th/Home/ViewNews.aspx?NewsID=9510000099614>)

<sup>7</sup> Chai-anand Samutvanich, "Criticism of the Monarchy," 24 March 2013, Manager Online (<http://www.manager.co.th/Daily/ViewNews.aspx?NewsID=9560000035739>)

by *Krissadeeka* (the government's legal advisory bureau) to indicate that, legally and practically, the power over the properties retained by the Bureau belonged to the King.<sup>8</sup> Thus, the argument that those assets were the state's possession could not be sustained.

This contention over the *Forbes*'s report implied a significant issue about royal affairs: the categories of the properties belonging to the royal court. Some, including the private property of the King and the crown property for instance, are difficult if not impossible to distinguish from each other, which brings to mind the questions of 1) do these two categories need to be distinct and 2) if so how is this to be done. According to Somsak, the King acquired power over the properties of the crown as a result of the 1948 Law, which raises a third question: if the year 1948 was the turning point of the management of crown property, how was it prior to that year?

### 1.1 Research Questions

1. How was the management of crown property and royal finance reformed when the country's governance changed from an absolute state to a constitutional monarchy? The beginning year for my dissertation is 1932 because that year was the point at which the management of royal affairs began to change; the end year of my dissertation was the turning point of the management of crown assets instituted by the new Crown Property Law. Thus, I am examining the period of time between the absolute regime and the Cold War era during which the power to control royal affairs was held by entities different from those of other periods in Thai history. When the Revolution took place in 1932, the royals lost their power over the country to the new leaders. The King's cabinet was replaced by commoner administrators and Parliament. I examine how the revolutionary government reformed the management of the property of the

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<sup>8</sup> Somsak Jeamteerasakul, "Arguing the CPB's 2010 Annual Report," 19 June 2011, Prachatai (<http://prachatai.com/journal/2011/06/35539>)

crown and the royal budget. I hypothesize that a new pattern of management of the crown property was used during this 15-year period.

## 2. What were the effects of the reform and how were they affected by other factors?

Reforming the royal court's affairs, including crown property and the royal budget, inevitably involves the royals' former status and way of life. I examine these effects and how the royal family members viewed and responded to them. This may illustrate the royals' opinion not only of the new system of crown property management, but also of the constitutional monarchy the new leaders established after the Revolution.

## 1.2 Literature Review

### 1.2.1 Monarchy and political situation

During the last decade, several academic works examining directly the Thai monarchy have posited different concepts and frameworks. Although I cannot fully analyze these works in my dissertation, some remarks concerning these works should be mentioned here. First, before the coup d'état in 2006, there were scarcely any academic works critically studying the political role of the Thai monarchy, especially of King Bhumibol. A scholar ascribes this to the draconian Article 112 of the Criminal Code of Thailand which does not allow anyone to defame the King, the Queen, the Heir, or the Regent.<sup>9</sup> Somsak Jeamteerasakul argues that after the collapse of the socialist ideological movement in the late 1980s, when they produced academic works analyzing Thai politics and society, Thai intellectuals often ignored or were less critical of the monarchy,

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<sup>9</sup> Kevin Hewison, "The monarchy and democratisation," in Kevin Hewison (ed.) *Political Changes in Thailand: Democracy and Participation*, (London: Routledge, 1997), pp. 58 - 74

because they generally thought that the institution was ‘no longer an issue’.<sup>10</sup> Thus, despite the risk posed by Article 112, the monarchy would not be included in the discourse of the intellectuals. Being aware of the importance of the monarchy in Thai politics and society, Somsak himself in 2001 published a book critically scrutinizing the monarchy’s role in the modern history of Thailand, particularly in the momentous events of the 1932 Revolution, the 1973 uprising, and the 1976 massacre.<sup>11</sup> Although the importance of his book was recognized,<sup>12</sup> Somsak’s main request of Thai scholars that the monarchy should be more studied was not accepted. Until the 2006 coup, there were few major works critically studying the Ninth Reign of the Chakri Dynasty: Duncan McCargo’s well-known articles about the ‘network monarchy’<sup>13</sup>, Chanida Chitbundit’s master thesis which examines the royal development projects and their influences<sup>14</sup>, and Paul Handley’s famous political biography of King Bhumibol.<sup>15</sup>

Further, the increasing number of publications was an effect of the political situations in Thailand in which the monarchy has openly been one of the players. A number of analytical writings were produced after the 2006 coup d’état. A common theme of these despite their other significant differences: anxiety concerning the future of the monarchy during the last decade of

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<sup>10</sup> Somsak Jeamteerasakul, “The Victory of the 14 October Intellectuals,” Midnight University Webboard, 23 July 2004

<sup>11</sup> Somsak Jeamteerasakul, *Prawatisart thee phueng sang* (Bangkok: 6 Tula ramluek, 2001)

<sup>12</sup> Thongchai Winichakul, “Do not Underestimate Methodologies: a Reply to *Ajarn Saichon*,” in *Countenances of the Royal Nationalism: On Thai History* (Nondaburi: Fadeawkan, 2016), p. 207

<sup>13</sup> Duncan McCargo, “Network Monarchy and Legitimacy Crises in Thailand,” *The Pacific Review* 18, 4(2005): 499 – 519, Duncan McCargo, “Thaksin and the Resurgence of Violence in the Thai South: Network Monarchy Strikes Back?,” *Critical Asian Studies* 38, 1(2006): 39 - 71

<sup>14</sup> Chanida Chitbundit, *The Royal Projects: the Establishment of Royal Hegemony* (Bangkok: the Foundation for Textbooks in Social Science and the Humanities, 2007)

<sup>15</sup> Pual Handley, *The King never Smiles: A Biography of Thailand’s Bhumibol Adulyadej* (New Haven: Yale University Press, 2006)

King Bhumibol's reign, ascribed to the political turmoil. Deploying notorious declassified Wikileaks documents, Andrew M. Marshall, a former Reuters's correspondent based in Thailand, strongly argues that conflicts among the elites especially in the palace circle over the uncertain royal succession was a true cause of the crisis.<sup>16</sup> Somsak Jeamteerasakul suggests that the socio-economic changes occurring since the late 1980s brought about the centralization of power into the parliamentary system, leading to the rise of politicians in Thai politics. However, at the same time, King Bhumibol established himself as the center of Thai political culture. Thaksin Shinawatr's popularity (which peaked in his landslide electoral win) led to a conflict between the two powers. Somsak calls this 'mass politics' due to the wide participation throughout the country, and he coins a concept 'mass monarchy' to describe the new political culture centered on King Bhumibol.<sup>17</sup>

Monarchical ideology was also conceptualized. Based on Antonio Gramsci's Marxist theory, Kasian Techapeera proposes the concept of 'royal hegemony,' contending that as a king in a constitutional monarchy, Bhumibol did not gain his power through the administration of the country. Rather, the King obtained hegemony from the Thai people by activating royally-initiated development projects. Theoretically, King Bhumibol's immense power had been accumulated through a consensual, not coercive, pattern.<sup>18</sup> Serhat Ünalı suggests that the sacred charisma of King Bhumibol was empowered by those who benefited from the high status of the monarchy.

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<sup>16</sup> Andrew M. Marshall, *A Kingdom in Crisis: Thailand's Struggle for Democracy in the Twenty-First Century* (London: Zen Books, 2014) Marshall studied several documents concerning the modern history of Thailand especially those involving the monarchy and published his writings online. For some critiques of Marshall's theory about the royal succession, please see Patrick Jory, "Review of Kingdom in Crisis," 12 November 2014, New Mandala (<http://www.newmandala.org/wp-content/uploads/2014/11/Jory-on-Marshall-FINAL-9-November-2014.pdf>), Serhat Ünalı, "A Kingdom in Crisis – What's All the Fuss About?," *Journal of Contemporary Asia* 46, 1(2016): 120 - 129

<sup>17</sup> Somsak Jeamteerasakul, "Mass Monarchy," in Chaithawat Tulathon, *Yamyuk Ruksamai: Celebration for 40<sup>th</sup> Anniversary of October 14 Incidence* (Bangkok: Foundation of Democratic Heroes, 2013), pp. 107 - 118

<sup>18</sup> Kasian Teechapeera, "The Great Public Intellectual of Thainess," (1) and (2) in *Crossroad and Thorn: Way to Thai Democracy* (Bangkok: Matichon, 2008), pp. 21 – 29. Although these two articles were firstly published in 2005, Kasian reprinted them in a book after the 2006 Coup.



The monarchy thus became the center of society which provided other kinds of capital they needed to retain, e.g., economic advantages. Any social operation could gain more legitimacy if it was linked to the King. Unaldi names this political culture ‘working towards the monarchy.’<sup>19</sup>

These scholars agree that the monarchical ideology was vigorously shaken by the rise of Thaksin and especially the red-shirts movement. This led to a feeling of insecurity not only among the palace circle, but also those who were consumed by the monarchical ideology. This situation energized several aspects of what Thongchai Winichakul calls ‘hyper-royalism’ diffused throughout Thai society. Politically attacking opponents by holding the monarchy as their weapon became abundant: disloyalty to the dynasty became a powerful accusation everyone in the political society could face. As a result, the number of *lèse majesté* charges grew exponentially in the decade of political turmoil.<sup>20</sup>

### 1.2.2 Studies of Crown Property

The topic of the crown’s property has been studied for decades. However, the literature on the topic can be regarded as exceptional in that there is frequently a non-academic reason for its publication; it can be categorized into three groups: publications which concern the Thai monarchy’s business investments, publications which concern the legal aspects of the crown’s property, and publications examining the political effects of changes in the management of crown property.

The first group identifies the investment of the royal court into the changing economy of Siam in the 19<sup>th</sup> and 20<sup>th</sup> centuries as beginning with the Bowring Treaty which the Siamese court negotiated with Great Britain in 1855 during the reign of King Mongkut (1804 – 1868,

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<sup>19</sup> Serhat Ünalı, “Working Towards the Monarchy and its Discontents: Anti-royal Graffiti in Downtown Bangkok,” *Journal of Contemporary Asia* 44:3 (2014): 377-403

<sup>20</sup> David Streckfuss, *Truth on Trial in Thailand: Defamation, Treason, and Lèse Majesté* (London: Routledge, 2011)

r.1851-1868). The expansion of the paddy fields due to the export-based economy resulting from this and other treaties motivated a need for land and led to growth in investment of rice mills and transportation modalities. Before 1890, the Privy Purse Department (PPD), a royal organization with a central role in the growing capitalist economy functioned as the manager of the monies divided from the state's budget for private expenditures of the monarchs. According to Prince Damrong (1862 – 1943), a revered historian held as the pioneer of modern historical studies in Thailand, the Privy Purse's origins could be traced back to the early period of the Chakri Dynasty (began in 1782).<sup>21</sup> In 1890, when King Chulalongkorn (1853 – 1910, r.1868 – 1910), the fifth monarch of the Dynasty, established a reformed bureaucracy for centralizing the country's administration, the Privy Purse was re-assigned to the Ministry of Finance. In addition to management of the private budget of the King, the PPD also invested in various businesses. Chollada Watthanasiri has studied the investments of the PPD and indicates that its venture activity was correlated with the expanding economy after the Bowring Treaty was signed.<sup>22</sup>

The PPD's most prosperous period was the Fifth Reign. According to Chollada, its investments comprised both financial and industrial ventures. The PPD made profits from loaning money, leasing, and investment in real estate, land and buildings. The economic expansion produced new investors who needed capital for their investments. The PPD grasped this chance by turning itself into a large source of loans. Regarding land and building investment, due to its privilege as a royal organization, the PPD could accumulate real estate via transfer from the state. Renting land to farmers and to building developers brought very large revenues to the PPD. Chollada indicates that land in Bangkok and the nearby areas accumulated by the PPD

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<sup>21</sup> *A History of the Privy Purse Bureau and the Thao San Pom Play* (The funeral book of Arun Chandarangsue, 18 December, 1967)

<sup>22</sup> Chollada Watthanasiri, "Investment of the privy purse, 1890-1932," M.A. thesis, Silapakorn University, 1986.

during the Fifth Reign was amounted to approximately 20,000 *rai* (about 12.4 square miles; 1 *rai* = 0.16 hectare). This made the PPD the biggest land owner in the kingdom.

The PPD also engaged in buying shares of stocks in banking and industrial businesses. Due to its royal support, the investors tended to persuade the PPD to join them by sharing free stock. The companies in which the PPD invested were the commercial firms, the industrial enterprises, financial institutions, and infrastructure organizations, some of which still exist today, such as the Siam Commercial Bank and the Thai Cement Company (the Siam Cement Group - SCG).<sup>23</sup>

However, the revenues of the PPD decreased after Chulalongkorn passed away, primarily because his successor King Vajiravuth (1880 – 1925, r.1910 – 1925) was not as keen on investment as his father. Most of the capital resources of the PPD during the Sixth Reign had gone with the King's private expenses instead of into business ventures.<sup>24</sup> His annual up-country visits and initiative enterprises such as *Sue Pa* (the para-military training supported by the King), including the budgets provided for his intimate servants, resulted in the PPD incurring large debts. Although King Prajadhipok (1893 – 1941, r.1925 – 1935) would provide money from the state to resolve the debts, the PPD was not again prosperous until the absolute state was overthrown in 1932. Porphant Ouyyanont, an economist from Sukhothai Thammathirat University, argues that the 1948 Crown Property Law helped the Crown Property Bureau (CPB) be successful despite the 1997 economic crisis and downturn.<sup>25</sup> According to Porphant, the 1948

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<sup>23</sup> Ian Brown, *The Elite and the Economy in Siam c 1890 – 1920* (Singapore: Oxford University Press, 1988), chapter 5

<sup>24</sup> Pornpen Hantrakool *The Government Spending During the Reign of King Rama the Sixth (A.D.1910-25)*, M.A.Thesis, Department of History, Graduate School, Chulalongkorn University, 1974

<sup>25</sup> Porphant Ouyyanont, "The Crown Property Bureau from Crisis to Opportunity," in Pasuk Phongphaichit and Chris Baker (eds.), *Thai Capital after the 1997 Crisis* (Chiang Mai: Silkworm Books, 2008), pp. 155-186

Crown Property Law modified the CPB (by removing several limitations implemented by the 1932 leaders) to once again function as an organization investing for the monarchy and led to its privileges throughout decades in the reign of King Bhumibol Adulyadej. This group can be considered as a continuation of the debate in the 1980s over the transitional period of Thai history. In such a debate, focus was on when and how the Thai economic system changed from feudalism to capitalism, in which the monarchy's role was crucial.<sup>26</sup>

The second group of literature concerning the crown property focuses on its legal implications. Most of these publications are law master theses. There are two main focuses of the publications in this group: the details of the laws on crown property and the legal status of the CPB. With respect to the first of these, the 1936 Crown Property Act has been generally thought of as the first law addressing the royal court's assets after the 1932 Revolution; this law was the implementation of the transfer of the control of crown property from the royal prerogative to the government's power.<sup>27</sup> With respect to the second, the promulgation of the 1948 Law was held as the point at which the abolition of the management system of the crown property established by the People's Party occurred. A common point made by these publications concerns the problematic legal status of the CPB after the Law was revised in 1948. While Sakuna suggests that the CPB should be held as a public organization<sup>28</sup>, Kittisak suggests that the CPB did not fit any category of civic organization in Thailand.<sup>29</sup> This scholarly disagreement reflects the wider

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<sup>26</sup> Somsak Jeemteerasakul, "Thai Society: from Feudalism to Capitalism," *Thammasart Journal* 11, 2(2525): 128 - 164

<sup>27</sup> Sakuna Thewaratmanikul, "The Management of the Crown Property," M.A. Thesis, Faculty of Law, Thammasat University, 2000, Kittisak Uraiwong, "Background and Legal Status Problem of the Crown Property Bureau," MA Thesis, Faculty of Law, Thammasat University, 2009)

<sup>28</sup> Sakuna Thewaratmanikul, "The Management of the Crown Property," p. 51

<sup>29</sup> Kittisak, "Background and Legal Status Problem of the Crown Property Bureau," chapter 4

ambiguous understanding of the status of the CPB described by Somsak and might be a factor which helps explain the confused responses of Thai officials to the *Forbes* reports.

The last group of publications concerns the political impacts of the reform. The focus of this group is on the political context after the 1932 Revolution, in which the monarch and the palace court lost their power over public and royal affairs to the revolutionary government, which also affected the management of the crown property. In his dissertation, Bruce Lockhart describes the events occurring after King Prajadhipok left Siam for Europe and the end of World War II (residing in Siam for only a short period of time) which allowed the government to expand its power over the royal court's affairs, including financial and crown property management.<sup>30</sup> Parut Penpayap analyzes the laws concerning the crown property in relation to changing circumstances, i.e., the promulgations of the first two laws and the management of the crown property related thereto were analyzed in the context of the People's Party's control over the country, while the 1948 Crown Property Law was depicted as one of the results of the coup d'état on 8 November 1947.<sup>31</sup> One publication in this group was the first to recognize the importance of the 1948 Act as the watershed of the crown property management and the changing status of the monarchy.<sup>32</sup> Due to its provision of the power to manage of the Crown Property to the King, the Law was named "counter-revolutionary." The authors in this group believed that the study of the crown property and its management might lead to a greater understanding of the development of the modern political history of Thailand.

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<sup>30</sup> Bruce Lockhart, "Monarchy in Siam and Vietnam, 1925-1946," PhD dissertation, Faculty of the Graduate School, Cornell University, 1990, Lockhart could access a file of documents in the Thailand National Archives which are now restricted, namely, SR.0201.42.

<sup>31</sup> Parut Penpayap, "What is Crown Property?," *Fadeawkan* 6: 3 (2008)

<sup>32</sup> Somsak Jeamteerasakul, "What is Crown Property Bureau?," *Fadeawkan* 4: 1(2006)

### 1.3 Academic Contribution

In my dissertation, I attempt to address some of the gaps in the literature. First, I analyze newly-available documents which have never been examined before; due to the 1997 State's Information Law, the government released previously-classified materials to the public, including an archive in Thailand's Government House, which comprised the reports of the cabinet meeting recorded since 1932 and a large number of official documents, parts of which concern the crown property management during the time period of my dissertation. According to the list of the Office of Cabinet Secretariat (the manager of the archives) there are more than 180 files directly concerned with royal affairs.<sup>33</sup> These recently found materials, including documents from other sources such as the National Archives of Thailand, might help generate a new understanding of crown property management. Second, I present a different perspective for appreciation of the crown property and connect the following factors: constitutional principles of governance, changes in the management of crown property, the reform of the palace court, and the political situations after the 1932 Revolution.

Thoughts of a constitution and constitutional governance initially emerged in Siam in the late 19<sup>th</sup> century. These western concepts were definitely imported by European educated students, including royal family members and a number of bureaucrats who had the opportunity to live in Europe. In 1885, a group of young Siamese royals and officials living in Europe submitted a document to King Chulalongkorn asking him to change the country's system of governance from an absolute state to constitutional monarchy. The document indicated that the ongoing predicament Siam had to resolve was colonialism. To the western mind, it was the

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<sup>33</sup> The situation has changed since the coup d'état on 22 May 2014. Researching documents in the Office of Cabinet Secretariat's archive has become stricter and inconvenient.

legitimate burden of the white man to liberate backward countries for the sake of humanity. The only way to prevent the advancement of colonialism, according to the document, was to change the country's governance. Particularly, the Young Siamese pointed that the ideal government Siam should imitate was that of Great Britain.<sup>34</sup>

The Young Siamese described the new governance and society. As detailed in the document, the monarch would still have much power. The sovereign was imposed as "the great chairman of the country" whose orders were decisive. The King did not have to manage everything; instead, a cabinet would manage the country's affairs. The cabinet would include chiefs of departments who had full authority in their own organizations. According to the document, the succession to the throne would be systematized to prevent the possibility of the chaos during the transitional period. Further, the document suggested the ideal type of society and administration: an equal law system for both Siamese and foreigners, freedom of expression, and a merit system of bureaucracy.<sup>35</sup>

However, the Young Siamese's suggested governmental organization differed from their putative English model. In particular, the new government would not have Parliament. This meant that the electoral right of the Siamese people and the legislative institution, in which the representatives of the people would gather, would not be introduced. In other words, the cabinet, which was appointed by the monarch, would pursue its administrative duties without any accountability to a Parliament. In addition, although the senior officials who formed the cabinet would have authority in their bureau, the final decision would be the King's. The main difference

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<sup>34</sup> Murashima indicates that this document was one of the origins of the idea about nation of the Siamese elites. See Eiji Murashima, "The Origin of Modern Official State Ideology in Thailand," *Journal of Southeast Asian Studies* 19: 1(March 1988): 80-96

<sup>35</sup> Chai-anand Samutavanich and Khattiya Kannasut, *Thai Political Documents, 1874 – 1934* (Bangkok: Social Science Foundation of Thailand, 1975), pp. 47 - 75

between an absolute monarchy and their proposed system of government was that the former was ruled only by a monarch and the latter had a cabinet and a constitution; the similarity between the two was that the monarch still had power in the country's administration. In the late 19<sup>th</sup> century, the Siamese absolutist state had just been established after the death of Somdej Chao Phraya Barommaha Srisuriyawong in 1882, the powerful former regent for the young King Chulalongkorn; thus, the King therefore likely perceived the cabinet and the constitution as a threat to his absolute power. Consequently, King Chulalongkorn refused the Young Siamese suggested changes.<sup>36</sup>

In the 1911 Rebellion (Kabot R.S.130), thoughts of constitutional governance were combined with a military movement for the first time. Although it was unclear whether they intended to found a constitutional monarchy or a republic, a group of young army officials developed a plan to overthrow the absolute state. These military young men grew up in the modernized bureaucracy reformed by King Chulalongkorn; however, they had a critical attitude towards the system. They critiqued the absolutist state's bureaucracy in which only the higher social class could gain profits. They were educated by a curriculum which included more than military courses and well informed of what happened in the rest of the world, especially Japan, which had recently developed their economy and technology to the point where they could win a war against Russia. The young officials concluded that the poverty and backwards civilization of Siam were caused by its governance under the absolute power of the King. According to the memoir of a group leader, a prosperous country should have an impartial juridical system. He preferred a republic to a constitutional monarchy. However, this group could

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<sup>36</sup> *Ibid.*, pp. 76 - 81



not implement their plan because they were betrayed and were sentenced to jail.<sup>37</sup> However, their movement served to inspire the leaders of the 1932 Revolution.

Constitutional principles of governance were truly implemented after the 1932 Revolution. The country's governance was changed from one in which the king had absolute power to a new one in which the authorities were specified in the Constitution. New political institutions, such as the cabinet and Parliament, emerged, and performed administrative roles formerly carried out by the King in the old regime. Nevertheless, the enactment of these changes by the new regime did not mean that the debate over the constitution ended. Rather, the Revolution started the discussions and debates over the constitutional governance, which continued for decades. Each participant in the debate might want their definition and interpretation to be accepted, but no participant wished to return the country to an absolutist state; instead, they attempted to define and interpret the principles of a constitutional monarchy. The Siamese governance would adapt itself to changes in the constitution resulting from the victory of any given interpretation in each period.

Vernon Bogdanor, a constitutional theorist, argues that there are two definitions of constitutional monarchy. Generally, it is a system of governance in which the sovereign rules in accordance with the Constitution. However, a more particular meaning suggests that the monarch does not have the power to rule the country.<sup>38</sup> Accordingly, the monarch's exact role in the constitutional governance was a significant issue in the debate after the revolution. In this regard, those intellectuals who tried to explain the new regime may be categorized according to their perspectives on the royal power in the constitutional regime.

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<sup>37</sup> Acharaphorn Kamutphissamai, *Kabot r.s.130: a Rebellion for Democracy and the Ideas of the New Military* (Bangkok: Amarin Academy, 1997)

<sup>38</sup> Vernon Bogdanor, *The Monarchy and the Constitution* (Oxford University Press, 1995), p.1

Natthapol Jaijing, who studied the royalist reactionary thoughts and movement after the 1932 Revolution, classified lawyers who participated in the debate over the royal prerogatives in a constitutional monarchy into two groups: the traditional school and the constitutionalist schools. According to Natthapol, most of the traditional lawyers were graduates of English universities and the constitutionalists were continentally-educated, especially in France and Germany. The former group believed that the monarchy was the center of Siamese governance, while the latter group's arguments were based on western constitutional principles.<sup>39</sup>

According to Natthapol, the traditional school often contended that Thai society had already been democratic even without the 1932 Revolution, due to the Buddhist concept called 'anek nikorn samosorn somutti' (the monarch was elected by the community of aristocrats and the people). Further, Thai kingship was not based on divine right as were the western monarchies; rather, the King exercised his power in accordance with Buddhist doctrines for rulers.<sup>40</sup> This interpretation implied that the Revolution was not necessary, a point which has been repeated in later texts, including textbooks on the study of law in Thailand.<sup>41</sup> In addition, King Prajadhipok had prepared to enact a constitution and gradually changed Siam to democracy. Thus, after the revolution, the traditional school interpreted the concept of a constitutional monarchy in a way that provided much more power to the monarch.

Providing the monarch more power than that specified by the Constitution was a common point made by authors in this group. Bawornsak argues that, in Thai constitutional monarchy, the proprietor of the sovereignty was both the people and the monarch; thus, the

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<sup>39</sup> Natthapol Chaiching, "The Legitimacy of the Regime: Debates over the Sovereign in the Explanations of the Constitutional Law (1932 – 1957)," in *To Dream an Impossible Dream: The Siamese Counter-Revolution Movement, 1932-1957* (Bangkok: Fadeawkan, 2013), pp. 65 - 100

<sup>40</sup> Murashima argues that the Buddhist elective theory of kingship was emphasized since the absolute era because the Siamese elites needed to handle with the colonial power from the West. See Eiji Murashima, "The Origin of Modern Official State Ideology in Thailand," p. 80-96

<sup>41</sup> Bawonsak Uwanno, *Public Law volume* (Bangkok: Winyuchon, 2004), chapter 7

Constitution provided the king the power to enact and veto laws, appoint and dismiss the Prime Minister and other cabinet members, and the court of justice exercised its judicial power in the name of the King. However, the monarch was not accountable for these actions because there would always be a minister approving the action and taking responsibility, Bawornsak argues.<sup>42</sup> He also suggests that because of some specific features of Thailand's monarchy, some public actions of the King not specified in the Constitution should be held as legal. For example, if the country encountered a political crisis the King should be able to dissolve Parliament, or even remove the Prime Minister and appoint a new one.<sup>43</sup>

One of the writers in this group cited some principles from the English monarchy to promote the monarchist standpoint. In his Master's thesis in law, Tongthong Chandransu states that as an example of the general power of the monarch, one of the royal prerogatives in the constitutional monarchy included the right to be consulted, the right to encourage and the right to warn.<sup>44</sup> He does not disguise that his statement came from the well-known British Constitutional theorist Walter Bagehot's widely-cited book on English governance.<sup>45</sup> Tongthong argues that King Bhumibol had performed his power, especially with respect to the royally-initiated development projects, in accordance with the principle of the constitutional monarchy suggested by Bagehot.<sup>46</sup>

The constitutionalist school based their definitions and interpretations on the principle that the people were the true proprietor of sovereignty. This group recognized the significance of the 1932 Revolution as an event which turned the sovereignty over to the people. Thus, the

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<sup>42</sup> *Ibid.*, p. 205

<sup>43</sup> *Ibid.*, p. 207

<sup>44</sup> Tongthong Chandransu, "A Constitutional Legal Aspect of the King's Prerogatives," MA Thesis, Department of Law, Graduate School, Chulalongkorn University, 1986, p. 86

<sup>45</sup> Walter Bagehot, *The English Constitution* (Cambridge: Cambridge University Press, 2004[1865]). Another well-known legal theorist in Thailand who referred to Bagehot was Yud Saeng-uthai.

<sup>46</sup> Tongthong Chandransu, "A Constitutional Legal Aspect of the King's Prerogatives," p. 91

constitutionalist lawyers preferred to limit the royal prerogatives in a written constitution. According to Yud Sang-uthai<sup>47</sup>, those who exercise public affairs in a democratic regime must be accountable to the people, i.e., by being ready to be criticized, scrutinized, or even impeached. In order to exclude the monarch from such processes due to his status as Head of State, the monarch must not be able to conduct any action without the approval of a minister, the representative of the people who had the real power.<sup>48</sup> Further, the constitutionalist school suggested that in a democratic regime Parliament should have more power than the monarch, i.e., to have the power to enact legislation without royal approval, or in the face of a royal veto.

I suggest that the leaders after the 1932 Revolution treated the monarchy according to the interpretation of the constitutionalist school. In addition to the first two Constitutions which specified the approval process, the leaders tried to manage royal affairs in accordance with the Constitution. In 1934, for instance, King Prajadhipok wanted the Cabinet to revise a Bill which had already been approved by Parliament, but the government and the House decided to retain the same version of the Bill because the Constitution did not provide any prerogative for the King to make such a request.

In this dissertation, I hypothetically relate the exclusion of the monarch from the power to conduct state affairs to the management of crown property and royal finances. The

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<sup>47</sup> Yud (1908 – 1979) graduated PhD in Law from Berlin University. He served in *Krissadeeka* and eventually was appointed as its Secretary-general in Phibul's second premiership. Ironically, Yud was the secretary of the drafting committee of the 1949 royalist Constitution. His textbooks on several branches of legal studies have been used in universities in Thailand. Natthapol Chaiching, "The Legitimacy of the Regime: Debates over the Sovereign in the Explanations of the Constitutional Law (1932 – 1957)," p. 75

<sup>48</sup> Yud Saeng-uthai, *The Constitution of the Kingdom of Thailand*, B.E.2489 (Bangkok: Prachaniti, 1946), p. 33. Yud repeated this opinion in his several textbooks concerning constitutional explanation. For examples, please see Yud Saeng-uthai, *An Explanation of the Constitution of the Kingdom of Thailand* (Bangkok: Uthai, 1950), Yud Saeng-uthai, *An Explanation of the Constitution*, B.E.2475 – 2495 (Bangkok: Chusin, 1952), and Yud Saeng-uthai, *An Explanation of The Constitution of the Kingdom of Thailand*, B.E. 2511 (Bangkok: Bamrungsarn, 1968). In 1956, Yud broadcasted this view on radio which had an implied critique of King Bhumibol's speech. This led to his charge on *lèse majesté*. Please see David E. Streckfuss, "The Poetics of Subversion: Civil Liberty and Lèse-Majesté in the Modern Thai State," Ph.D. Thesis, University of Wisconsin-Madison, 1998, pp. 110-111, For Yud's script on radio broadcast see National Archives of Thailand (N.A.) (3)SR0201.1.44/28

constitutional principle of governance implemented by the new leaders had been reified through their reform of royal affairs. In other words, in a specific sense, the management of the palace court, including crown property and royal finance, was constitutionalized in the revolutionary regime.

I also describe the ways in which the reform was modelled after a constitutional monarchy. Some contemporary documents indicated that the English Civil List, the financial system of the palace, was an example the leaders after the 1932 Revolution used as a model for their reforms of the administration and finance of the Siamese royal court. Thus, some aspects of the development of the Civil List should be mentioned.

The center of the development of the English parliamentary system was the monarchy's power. The premodern British monarchs were simultaneously the head of state and head of government. However, the noble class had forced King John I to rule according to laws. This later developed and became a parliamentary system. The relationship between the monarchy and Parliament had been the focal point of political conflicts in the history of England; it was the main cause of the Civil War in the mid-17<sup>th</sup> century. Such a relationship developed over centuries until the administrative power was transferred from the monarch to Parliament. The changes made to the managerial system of the royal court's finances reflected the development of British constitutional monarchy, and were also significant factors in the history of the parliamentary supremacy.

The financial management of the British monarchy before the Glorious Revolution could be considered as an illustration of the situation in which the sovereign was both the head of state and the head of government. The incomes of the royal court were called 'revenues' which were specified by Parliament. After that, the revenues were managed as a completely royal

prerogative: the sovereign could spend the amount without any accountability to Parliament. The revenues usually comprised sources that could provide incomes for the monarch, including those held by the king as a hereditary right, such as lands and some kinds of taxation, and the sources of income which were provided by Parliament, e.g., ship tax.<sup>49</sup> Until the late 17<sup>th</sup> century, it was not easy to separate the personal expenses of the king from the government's expenditures.<sup>50</sup> Since the monarch also conducted administrative duties, revenues were used both for state business and the personal usage of the king and the royal court. The revenue of Charles II (1630 – 1685, r.1660-1685) and James II (1633 – 1701, r.1685 - 1688) was 1.2 million pounds and 1.9 million pounds, respectively. The revenue system of royal income was one of the causes of conflicts which led to the Civil War. Thus, after the Glorious Revolution, negotiations between Parliament and King William III (1650 – 1702, r.1689 - 1702) resulted in a new system of financial management for the palace.<sup>51</sup>

Theoretically, the compromise between Parliament and the King depended on a balance between the principle that held that the power to administrate the state must belong to Parliament and the principle that maintained the financial independence of the monarch.<sup>52</sup> War with France forced William to ask for more money for the military, which provided Parliament opportunity to investigate the royal finances. Eventually, a new financial management approach for the royal court was initiated. While the military budget belonged to Parliament's power, civilian finance, including the palace court's expenditures, was the monarch's prerogative (this budget was

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<sup>49</sup> E.A. Reitan, "From Revenue to Civil List, 1689-1702: The Revolution Settlement and the 'Mixed and Balanced' Constitution," *The Historical Journal*, 13,4(December 1970): 571

<sup>50</sup> Phillip Hall, *Royal Fortune: Tax, Money & the Monarchy* (London: Bloomsbury, 1992), p.3

<sup>51</sup> *Ibid.*, pp. 4 - 5

<sup>52</sup> E.A. Reitan, "From Revenue to Civil List, 1689-1702: The Revolution Settlement and the 'Mixed and Balanced' Constitution," p. 588

therefore called the Civil List). This was the initial point of the exclusion of the monarchy from political power, administratively and financially.

Since the separation between the two budgets reflected political balance of the court and Parliament, E.A. Reitan named the period in which the Civil List was initiated as ‘Mixed and Balanced Politics’.<sup>53</sup> After the Glorious Revolution, the monarch and Parliament shared the administration of the country. This lasted until the late-18<sup>th</sup> century. The Civil List at that time had many debts and the monarch had to ask Parliament to settle them. Thus, Parliament could investigate the ongoing expenses of the Civil List.<sup>54</sup> During the late 1780s, with efforts of Edmund Burke, expenses of the Civil List were required to be approved by Parliament. Although this regulation was not practical, E.A. Reitan held that parliamentary supremacy began at this time.<sup>55</sup> Eventually, the separation of the finances of the monarch and the state budget took place in 1830 when the Civil List of William IV (1765 – 1837, r.1830 – 1837) was specified to comprise only the expenses for the King’s personal usage and the integrity of the throne, and the civil administration budget was moved to the power of the House. In other words, the monarch was excluded from the power to manage state finances. Phillip Hall suggests that 1830 was the point in which the Civil List for the first time became modern.<sup>56</sup>

The exclusion of the monarch from the power to control the crown property and the royal finance (e.g., the Civil List system) was the pattern the Siamese revolutionary leaders tried to emulate. I will discuss the similarities and differences between the two systems in a later chapter.

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<sup>53</sup> *Ibid.*

<sup>54</sup> Phillip Hall, *Royal Fortune: Tax, Money & the Monarchy*, pp. 6 - 7

<sup>55</sup> E.A. Reitan, “The Civil List in Eighteenth-Century British Politics: Parliamentary Supremacy versus the Independence of the Crown,” *The Historical Journal*, 9, 3(1966): 318-337

<sup>56</sup> Phillip Hall, *Royal Fortune: Tax, Money & the Monarchy*, p. 8

#### 1.4 Analytical Framework

I examine changes in Thai royal finance and crown property in the political contexts occurring after the 1932 Revolution. I argue that the most important factor affecting royal affairs during this time was the constitutional concept of governance introduced to Siam by the new leaders. This constitutional principle perceived by their contemporaries had a specific meaning in the field of Public Law that the rulers must perform their roles in conformity to democratic principles. This norm limited the monarch's ability to exercise its prerogatives as the head of state. I argue that this principle was realized through the reform of the royal court's affairs in general and the royal finance and crown property management in particular. However, there are factors which often prevent the conformity between the principle and the practice; thus, I will also analyze those factors and their influences. There were several circumstances in the modern history of Thailand which altered the implementation of constitutional monarchy. First, the military wing of the People's Party grew stronger after the Revolution, which meant that the civilian faction was too weak to establish a strong parliamentary system in Thai politics. Second, the breakdown of the People's Party due to World War II interrupted the development of the constitutional principle. Finally, the return of those royal family members and the royalists, who were prohibited from involvement in politics due to the 1932 Permanent Constitution, made the constitutional monarchy's establishment more difficult, and they eventually made it impossible by collaborating with the authoritarian wing in the 1947 coup d'état. I will discuss how these factors affected the realization of the constitutional principle with respect to crown property management in later chapters.

In order to verify my arguments, I juxtapose the management of royal finance and crown property with the factors mentioned above, and I consider how the alterations occurred;



specific examples include the constitutional monarchy principle, the reform of the royal court, and the political conflicts and negotiations among the leaders. In each chapter, I will provide some concrete circumstances involving royal finance and crown property management after the Revolution, which I will attempt to relate to these factors. By this method the development of the management of the royal finance and crown property might hopefully be more comprehensive.

### 1.5 Organization of Chapters

The outline of my dissertation is as follows. In Chapter 2, I examine and analyze the process by which royal finance was reformed through the establishment of the Bureau of the Royal Household, with specific attention to the constitutional principle of governance and the political struggles among the leaders. In Chapter 3, I focus on the management of the crown property and investigate changes in that management due to several factors, such as the promulgations of each Crown Property Law. In Chapter 4, I describe how the revolutionary government manipulated royal family members through the management of the royal budget and examine political situations after World War II which altered the direction of the management. In Chapter 5, I describe the civil suit the People's Party government pursued against the former King Prajadhipok and Queen Rambai Barni during 1939 and 1941, including the process of making the case, the decision and reasons of the government to pursue the lawsuit, the court's judgement and its enforcement, and the resolution of the case. Finally, the last chapter will contain my conclusions.

## **Chapter 2**

### **The Royal Court and Its Reformation**

#### Introduction

In the mid-1934, during conflicts with the government, King Prajadhipok wrote in a memorandum as follows:

It is widely said that the Ministry of the Royal Household will be changed according to the British royal court. [...] It has to be pleaded to the government to abolish such a project; otherwise, they have to submit it to me beforehand.<sup>1</sup>

Before abdication, King Prajadhipok had argued with the government over several issues, one of which was about the power to manage the Ministry of the Royal Household. Whether its control would be under the royal prerogative or the government's jurisdiction was the main point. The King insisted that the appointment of the royal servants in the Ministry must be his prerogative. The argument regarding the Ministry of the Royal Household was part of the contention over the power of the monarch in the constitutional regime, over which the leaders after the 1932 Revolution had argued. The quarrel was not resolved, however, until King Prajadhipok eventually abdicated in March 1935.

In the Siamese absolute regime, the power over the royal court was definitely a royal prerogative as along with other administrative powers of the country. There were three organizations responsible for the administration and finance of the royal court: the Ministry of the

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<sup>1</sup> King Prajadhipok, "The Royal Memorandum no.1," in *The Government's Declaration on King Prajadhipok's Abdication* (Bangkok: Lahuthos, 1935), pp.137-139

Royal Household, the Department of the Royal Secretariat, and the Privy Purse Department. The royal household [*Wang*], one of the four major organizations in the premodern period, was promoted to be a ministry in the administrative reform initiated by King Chulalongkorn in 1892. Its duties were to administer royal rituals, maintain royal palaces, and control the royal servants. The Department of the Royal Secretariat was formerly the audit office of which King Chulalongkorn was the commander himself since its beginning in 1875, according to a royal servant's recollection.<sup>2</sup> When the absolutist state had been gradually formed, nearly all official documents had to be authorized by the sovereign; then, the audit office was developed into the Royal Secretariat. The bureau was later claimed as important as a ministry. Its principal duty was to filter documents of state affairs prior to the King considering the documents and making a decision. This made the royal secretariat imperative. The last bureau, the Privy Purse Department, was responsible for the properties and the investments of the King and some royal family members. After the traditional period the King divided the state's fortunes for his personal expenditures. After the administrative reform in the 1890s, the Privy Purse became a department in the Ministry of Finance. It would be annually allocated from the state's budget for the personal expenses of the King and the royal court.

The three bureaus mentioned above could be considered as significant organs in the formation of the Siamese absolute state. The founding of the Ministry of the Royal Household and the Department of the Royal Secretariat constituted a response to the situation in which the state's power was centralized. The establishment of the modern ministries in 1890s was intended in a sense to separate the aristocrats and nobles from the administrative authority, and to gather

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<sup>2</sup> *A story of Chao Phraya Mahithorn*, Memory Funeral Book, 1956, p. 93

such power under the sovereign.<sup>3</sup> Meanwhile, the Privy Purse created a significant role for the King in the new economy (initiated due to the 1855 Bowring Treaty) which opened business chances for the royals. The Privy Purse was one of the leading capitalist organizations in the Siamese economy for 30 years before the Revolution, investing in banking, industrial, real estate, and providing capital for large firms, all of which made lots of profits for the bureau.<sup>4</sup> Changes to these three royal organizations after the 1932 Revolution were parts of constitutional reform in Siam. The revolutionary leaders therefore thought addressing the affairs of these three bureaus was a crucial task.

Financially, the state yearly allocated a budget for the royal court. This allocation would be expended for the personal usage of the King, the allowance for the royals, the royal court expenditures, and investing in the King's personal businesses. During the mid-1890s King Chulalongkorn had the budget specified at 15% of the annual state's income: it was 1 to 2 million baht a year between 1892 and 1898. According to Chollada Wattanasiri, a foreign advisor suggested the King should have the budget fixed at an annual amount because this would help with acquiring foreign loans. The King agreed.<sup>5</sup> In the initial year, the amount was 6 million baht, including the expenditures of the Ministry of the Royal Household (formerly a separate budget item). King Vajiravuth, Rama VI, increased the budget to 9 million baht before it was reduced back to the amount in the first year in the next reign due to an economic downturn. In the last year of the Old Regime, the budget was reduced again to 5 million baht.

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<sup>3</sup> Chaian Rajchagool, *The Rise and Fall of the Thai Absolute Monarchy: Foundations of the Modern Thai State from Feudalism to Peripheral Capitalism*, Bangkok: White Lotus, 1994, chapter 4

<sup>4</sup> Chollada Wattanasiri, "Investment of the privy purse, 1890-1932," M.A. thesis, Department of History, Graduate School, Silpakorn University, 1986

<sup>5</sup> *Ibid.*

In this chapter, I examine the changes which were made to the royal court's finance and administration after the 1932 Revolution. My principal argument is that the financial management of the royal court was reformed in the same process as its administration. In addition, the reform was framed by the constitutional concept of governance. Furthermore, as obviously explicated in King Prajadhipok's memorandum quoted above, the reform also involved the political conflicts between the King and the new leaders. I should state here that the administrative process of the royal court became again important after World War II and the mysterious murder of King Ananda on 9 June 1946. Eventually, the Thai political scene after the coup d'état on 8 November 1947 saw the overthrow of Pridi Bhanomyong's group and the deletion of the revolutionary legacies with respect to the administration of the royal court. The conservative 1949 Constitution was an endpoint to the retaliatory process.

## 2.1 Economic Problems and the Royal Court Reform

The reform of the royal court, financially and administratively, in the initial period after the Revolution seemed to respond mainly to economic problems, i.e. to address the fiscal difficulties unsolved since the old regime. It was noticeable that the aristocrats from the absolutist administration, for instance Phraya Mano (the first Prime Minister), were willingly collaborative in the reform. It therefore could be argued that the leaders during that period agreed that the royal court's expenditure was a significant root of the country's economic difficulties and the situation could be fixed by reducing the court's budget. Under the political tensions present after the Revolution, to persuade King Prajadhipok to reduce the royal court allocation with the cooperation of Phraya Mano should be one of not so many successful collaborations between new and old leaders, besides the first permanent Constitution promulgated on 10 December 1932.

One of the purposes of the royal court reform after the Revolution was to reduce the palace's expenditures to help address economic troubles.

The impotence of the old regime government in its attempts to resolve the economic crisis was ascribed to the 1932 Revolution. Benjamin A. Batson, who studied the last reign of the Siamese absolute state, reported documentary evidence of the effects of the economic problems on King Prajadhipok's government during the few months before the Revolution took place. The crisis affected not only the government's fortunes, but also relationships between the ministers. As a result, Prince Baworadej, the Minister of Defense, quitted his position due to his failure to increase the military's rate of salary.<sup>6</sup> The government's solution to the crisis mainly impacted the middle-rank civil servants, while the royal family members and the high-rank bureaucrats could avoid the effect. This made disgruntlement more widespread. In order to reduce its expenditures, the government removed many middle-rank civil servants and initiated new kinds of taxation such as the salary tax. This new tax directly affected the middle class, but did not have any impact on the royals, the aristocrats, or Chinese merchants.<sup>7</sup> Dissatisfaction with the government was publicly expressed in the newspapers. Acharapon Kamutphisamai indicated that many newspaper writings before the Revolution illustrated frustration with the government's economic solutions.<sup>8</sup> The crisis also led the public to realize that the ineffective government did not have any ability to bring prosperity to the country.<sup>9</sup> Lastly, the dissatisfaction over the economy was one of those factors which empowered the Revolution in June 1932.

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<sup>6</sup> Benjamin A. Batson, *The End of the Absolute Monarchy in Siam* (Singapore: Oxford University Press, 1984), pp.191-193

<sup>7</sup> *Ibid.*, "The Salary Tax Act," *The Royal Gazette* 49(17 April 2475): 25-45

<sup>8</sup> Acharaporn Kamutphisamai, *Problems in Thai Society before the 1932 Revolution: Reflections from newspaper writings* (Bangkok: Thai-Khadi Institute, Thammasart University, 1989), pp.223-319

<sup>9</sup> Matthew Phillip Copeland, *Contested Nationalism and the 1932 Overthrow of the Absolute Monarchy in Siam*, PhD thesis, Australian National University, 1993, pp.164-168.

Prajadhipok's government was aware of the previous reign's too-large expenditure. When ascending to the throne, he had to settle the debt amassed since Vajiravuth's reign,<sup>10</sup> and the economic crisis forced him to decrease the royal court's budget twice in 1926 and 1931. Nevertheless, retrospectively, Prajadhipok's attempts to resolve the situation were proven insufficient to protect the absolute state.

The inability of the government to address the economic problems was likely due to the privilege enjoyed by royal family members. Since the Sixth reign the military and the royal court were prioritized in the annual allocation rather than other budgetary items directly involving the country's development, such as infrastructure, agriculture, and education.<sup>11</sup> During the year before the Revolution, the newspapers critiqued the higher class's laziness and suggested new taxation for the rich, especially the royals.<sup>12</sup> The royal family members who invested in land did not have any impact from the salary tax. The ascription of the economic problems to the royal privileges was very obvious in the first Declaration of the People's Party read during the coup d'état on 24 June 1932. The text, written by Pridi Bhanomyong, severely condemned the absolutist rule of the Chakri Dynasty, indicating that the country's economic difficulty was the result of the uneducated administration by the Dynasty. Comprised of corrupt aristocrats and royals, the King's rule had gained the Dynasty huge fortunes from taxation, which was allocated to the monarch's personal expenditures rather than being spent for the country's prosperity. The Declaration indicated that the problems would not be fixed unless the absolute state was

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<sup>10</sup> National Archives of Thailand (N.A.), R.7 K.19/6

<sup>11</sup> Pornpen Hantrakool *The Government Spending During the Reign of King Rama the Sixth (A.D.1910-25)*, M.A.Thesis, Department of History, Graduate School, Chulalongkorn University, 1974

<sup>12</sup> Benjamin a. Batson, *The End of the Absolute Monarchy in Siam*, pp.188-189, 221

abolished, and that the royals' illegitimate assets would be confiscated so that the wealth could be diffused, so that the country could be more affluent.<sup>13</sup>

The language style of the First Declaration and notifications in the post-revolution newspapers led to panic among royal family members about the confiscation of their assets.<sup>14</sup> Nevertheless, when the Revolution had already been accomplished, the general attitude of the People's Party towards the royals softened, due to their wishes to build an inclusive collaboration. Lastly, Phraya Mano, then Head of the People's Committee, had to publicly declare that the royals' properties would not be seized.<sup>15</sup> However, the takeover of the Bangkhunbhrom Palace from Prince Boribhat, and examples of revolutions from other countries, especially Russia, which resulted in the tragic fate of the Russian royal family members, still triggered panic among the royals. They feared the risk to their physical safety as well as their properties. Nevertheless, the government's solutions which might have affected the royals' fortune were not a straightforward confiscation; rather, they were indirect deployments such as the enactment of the Death Duty Act and the formal exclusion of the royals from politics, which caused many of them to be jobless. The royal family member who was affected the most was King Prajadhipok himself. He was asked several times to reduce the royal court's budget, which would eventually lead to palace court reforms after his abdication.

## 2.2 The Office of the Palace Administration

As described above, the Department of the Royal Secretariat performed vital duties in the absolute state, since drafts of formal documents from the ministries had to be filtered by it

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<sup>13</sup> "First Announcement of the People's Party," in Chai-anand Samutwanich and Khattiya Kannasut *Thai Political Documents B.E. 2417-2477* (Bangkok: Social Science and Humanities Textbook Project), pp. 209-211

<sup>14</sup> Benjamin A Batson, *The End of the Absolute Monarchy in Siam*, p.239, Thamsuk Numnond, *Political Drama 24 June 1932* (Bangkok: Horattanachai Printing, 2002), Nakharin Mektrairat, *The Siamese Revolution in 1932* (Bangkok: The Foundation for the Promotion of Social and Humanities Textbooks Project, 1992)

<sup>15</sup> Benjamin A Batson, *The End of the Absolute Monarchy in Siam*, p.239



before the documents were submitted to the King. The bureau functioned in the same way as the Cabinet Secretariat of the modern government, yet the final decision absolutely belonged to the King rather than the Cabinet. Besides its important responsibility, the origin and development of the Department of the Royal Secretariat also reflected the formation of the Siamese absolute state. After King Chulalongkorn created the Revenue Control Office (*Ho Rasadakorn Phiphat*) for collecting and centralizing the state income, the central government needed an audit process to control the country's finance. Then, the King established the Audit Office, which would be developed to the Department of the Royal Secretariat. The bureau's history then was partly in the process of power centralization to the monarch.

The 1932 Revolution put an end to the duties of the Department of the Royal Secretariat. The King had no function in the administration of the country anymore. The bureau was replaced by the Cabinet secretariat, and in September 1932 an announcement to abolish the Department of the Royal secretariat was formally issued.<sup>16</sup> At the same time, Chao Phraya Mahithorn, the royal secretary, resigned.<sup>17</sup> The abolishment of the Department of the Royal Secretariat was one of the landmarks defining the end of the administrative power of the absolute regime.

The Promoters (*Phu Ko Karn*) of the Revolution did not change the country to a republic, but instead chose to preserve the monarchy. There was some continuity in bureaus from the old regime, one of which was the Ministry of the Royal Household. However, although it was not abolished, the Ministry's administrative level was degraded and it was renamed to the Office of the Palace Administration (*sala wakarn phraratchawang*). Changes made to this bureau during

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<sup>16</sup> "Announcement to abolish the Office of Royal Secretariat," *Royal Gazette* 49 (18 September 2475): 390-391

<sup>17</sup> "Announcement to abolish an Official Position," *Royal Gazette* 49 (18 September 2475): 391-392

the eighteen months immediately after the Revolution illustrate the unique position of the monarchy in the post-revolution regime, administratively and financially.

Information about the finances of the royal court after the Revolution was mentioned by Chollada Wattanasiri; although her main point of study was the business investment of the Privy Purse in the old regime, she was the first scholar to disclose the allocation for the royal court after the absolute state was overthrown, and her paper has been widely cited by other academics working in this area.<sup>18</sup> Chollada's information about the palace court's annual allowance generally conformed to the contemporary documental sources; however, she made errors on some important points, which caused researchers using her data to have false information. What Chollada says about the royal court's allocation are in the table 2.1 below.

Year	Amount (Baht)
1930	6,000,000
1931	5,000,000
1932	479,543
1933	590,230
1934	561,021
1935	470,610
1936	434,115
1937	409,480

Table 2.1: The Royal Court's annual Allocation, 1930 – 1937<sup>19</sup>

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<sup>18</sup> For example, Porphant Ouyyanont, "The Crown Property Bureau from Crisis to Opportunity," Pasuk and Chris Baker (eds.), *Thai Capital after the 1997 Crisis*, Chiang Mai: Silkworm Books, 2008, pp. 155-186

<sup>19</sup> Chollada Wattanasiri, "Investment of the privy purse, 1890-1932," p.38

As mentioned above, in 1931 King Prajadhipok decreased the royal court's budget from 6 million baht to 5 million baht. Chollada's data indicates that after the revolution the government reduced the royal allocation to 479,543 baht, and the amount would not surpass 6 hundred thousand baht a year until Prajadhipok abdicated. Moreover, Chollada also states that:

[F]rom 1932 on, the Privy Purse's allowance was named "the budget for the monarch" composing of four categories of expenses: the budget for His Majesty's use while he is young, the budget for the royal merit, the budget for the Regent, and the budget for the annuity for the royals. All of these budgets were reduced after the 1932 revolution. King Rama VIII received his personal budget only 100,000 baht annually.<sup>20</sup>

If the above information was true, the royal allocation would have been reduced from 5 million baht in 1931 to only about 480,000 baht in the next year, which raises the following interesting questions: How could the government force King Prajadhipok accede to that amount? How did the king react to such a request? However, when I examined Chollada's source for this information, I found that Chollada had made some mistakes.

Chollada's first fallacy was that she misread the number. Her source for this point was from a referential work which documented the incomes and expenses of Thailand between 1892 and 1974. However, there was no information in the book about the royal budget in 1932 and 1933, for which years Chollada stated that the royal allowances were 479,543 and 590,230 baht respectively. However, these figures for 1932 and 1933 in her table were the allocations for the

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<sup>20</sup> Chollada Watthanasiri, "Investment of the privy purse, 1890-1932," p. 39.

Cabinet in those two years,<sup>21</sup> which suggests she confused the two categories. I have confirmed that the allowances for the royal court in the first two years after the revolution were not as indicated in Chollada's work.

Another of Chollada's mistakes was her categorization of the royal budget. In fact, the allowance for the royal court was not determined immediately after the revolution as Chollada stated. These mistakes do occur in academic studies, and Chollada's main focus was the Privy Purse's investment during the period of the absolutist state. Nevertheless, the true data should be found. I report different information in more details.

The royal allowances in the first two years after the Revolution inevitably involved the political circumstances. It is important to discuss changes in the royal court in order to understand the annual allocation for the monarch after the absolute period. The first circumstantial situation requiring explanation is the Office of Palace Administration.

The Office of the Palace Administration was the organization responsible for the royal court's work for the first eighteen months after the 1932 Revolution. According to documents about the changes made to the ministries due to the Revolution, although their ministers were as formally honorable as other ministers<sup>22</sup>, the Ministry of the Royal Household and the Ministry of the Royal Secretariat were not ministries any more. The Minister of the Royal Household was renamed to the Governor of the Palace and the Minister of the Royal Secretariat was renamed to the Royal Secretary. No official documentation of these changes was published during the very first months; however, some announcements naming the bureau which appeared during the late

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<sup>21</sup> Phuangthip Phraisai and Mana Phattaratham *A Collection of Thailand's Incomes and Expenses, 1892-1974* (Bangkok: Faculty of Economy, Chulalongkorn University, 1976), p.196

<sup>22</sup> "Announcement of Civil Servants shuffling and Ministries merging," *Royal Gazette* 49(29 June 1932): 180-182

August 1932 provided documentation of the existence of the organization.<sup>23</sup> When the Office of Royal Secretary was abolished in September 1932, the Office of the Palace Administration became the sole organization whose responsibilities were the affairs of the royal court. After the National Assembly was shut down by Phraya Mano on 1 April 1933, all ministries were formally reestablished by an Act in which the Office of the Palace Administration was mentioned. The Office was composed of ten divisions including the Department of the Royal Private Secretary, the Department of Palace Guards, and the Privy Purse Department.<sup>24</sup> According to the Act, the Office of the Palace Administration's function was to administer the royal affairs. Noticeably, the Office was separated from other organizations which were directly under the Cabinet's control. This implied that it was not in the government's power. Pridi Bhanomyong later mentioned this point in the National Assembly:

Mano's government separated the Office of the Palace Administration from other ministries, and appointed the Governor of the Palace as its commander. This position was not appointed in the same way as other ministers.<sup>25</sup>

Financially, the Office of the Palace Administration was assigned annual allocations as were other state's organizations; however, King Prajadhipok spent the budget as he pleased without approval of Parliament. The Office's budget was divided into the private expenses of the King and the expenditures of the royal court. Generally, this budget was gradually decreased after the Revolution, but the reduction was not as much as described by Chollada. This was documented in a report titled "the Explanation of the 1933 State's Budget" submitted to the

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<sup>23</sup> For examples, "Announcement of the Office of the Palace Administration," *Royal Gazette* 49(9 October 1932): 2426 and "Announcement of the Office of Palace Administration," *Royal Gazette* 49(28 August 1932): 1807

<sup>24</sup> "The Ministries and Departments Establishment Act, B.E. 2476," *Royal Gazette* 12 May 2476, pp. 172-178

<sup>25</sup> Minutes of the National Assembly Meetings, 26/1933, 23 November 1933

National Assembly by the Director of the Department of the Comptroller on 31 March 1933. According to the report, the budget for the royal court in 1925 when King Prajadhipok ascended to the throne was 6 million baht and the King reduced the budget to 5 million baht in 1931 due to the economic downturn. At this point, the Director's information conforms to Chollada's. However, he stated further that "[I]n 1932 the King cut more 500,000 baht. Therefore, the royal budget of that year was only 4.5 million baht. Due to the economic circumstances, the King had a command to further reduce the budget again about one million baht."<sup>26</sup>

Conforming to other contemporary sources, the Director's report also significantly stated that the royal budget was reduced twice in 1932. The first reduction was directed by the absolute government itself around April, due to its anticipation of the economic situation.<sup>27</sup> The second reduction was carried out by the post-revolutionary government. According to other evidence, such a reduction was a result of negotiations between the government and the King. The early records of the revolutionary People's Committee (the then-Cabinet) detailed the discussion between committees on how to manage the royal budget. Phraya Mano, then Chairman of the Committee, argued that the government should not interfere with how the budget provided for the royal court was managed. However, Mano himself raised a question in a meeting concerning the possibility of a request by the government of the King to decrease the royal allowance a further 50%.<sup>28</sup> Interestingly, Mano has been perceived by scholars as one of the conservative aristocrats left from the old regime.<sup>29</sup> Nevertheless, he did acknowledge the

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<sup>26</sup> Minutes of the National Assembly Meetings 59/2475, 31 March 2476

<sup>27</sup> "The State Budget B.E. 2475," *Royal Gazette* 49(27 April 1932): 309-315

<sup>28</sup> The Record of the People's Committee Meeting number 31, n.d. (handwritten) This meeting should be held around the mid-August 1932.

<sup>29</sup> As described in Natthapol Chaiching, *To Dream an Impossible Dream: The Siamese Counter-Revolution Movement, 1932-1957* (Bangkok: Fadeawkan, 2013). However, Princess Phunphisamai Dissakul considered Mano as a hater of the royals. Please see, Phunphisamai Dissakul, *What I have seen: the Ending Episode* (Bangkok: Matichon, 2003), pp.114-115

necessity of decreasing the royal expenditures. It appeared that after years of economic difficulty, every group of Siamese elites had a consensus that the country had to cut down every budget as much as possible, including the royal expenses.

How much the royal budget would be reduced was the issue the Cabinet had to negotiate with the King. According to the report of the Director of the Department of the Comptroller mentioned above, in mid-1932 the royal budget was decreased by approximately 1 million baht. This meant that the government's target of a 50% reduction was not accomplished, because the previous amount was 4.5 million baht. In addition, although the government missed their goal, the reduction still left Prajadhipok feeling insulted. He expressed this feeling at least twice, the first time in a letter the King's private secretary sent to Mano as the Minister of Finance only a month after the reduction:

His Majesty has a royal command to inform you [Mano] that in this year His Majesty is trying to spend the budget in accordance with the amount the Ministry of Finance provided him. Although the amount is enormously cut, the budget is still imbalanced; therefore, His Majesty will seek some compensation for helping the government. However, His Majesty insists that the government is going to provide him 3 million baht of royal budget next year. The reduction of the budget has made him feeling that he cannot properly maintain the honors of the Siamese monarch. [Siam] would be better off changing to a Republic if the government does not stop cutting the royal budget. If you want to have a king, then you must encourage him to preserve his royal integrities.<sup>30</sup>

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<sup>30</sup> *The Government's Declaration on King Prajadhipok's Abdication* (Bangkok: Lahuthos, 1935), pp. 175-176

Another occurrence of Prajadhipok's mentioning his discontentment over the budget reduction was in his personal letter to Prince Jirasakti, his adopted son, in March 1933. After narrating the situation in Siam in which there were rumors about the decisive measure the government was preparing for the royal family members, the King mentioned his budget which had been reduced by the government.

They 'love the country', so they seek power and money. If I 'love the country', then I have to let my power gone. I have to be enslaved. I have to let them to reduce my incomes. I have to sacrifice whatever I have. It seems not to be a square deal. I cannot stand this.<sup>31</sup>

This information is therefore more definite that in the first year of the Revolution the royal court was allocated approximately 3 million baht. In 1933, as the King insisted in the letter above, the government provided exactly 3 million baht for the palace court. According to the Director of the Department of the Comptroller, the royal budget comprised the expenditures of the Office of Palace Administration, salaries and pensions of the royal court's servants, the annual annuity for the royals, and the personal expenses of the King.

The Office of the Palace Administration had a unique identity in the governance after the Revolution. The bureau's budget was annually allocated by the state, but its administrative and financial managements were held to be internal affairs of the King. The highest commander of the bureau, Chao Phraya Woraphong, the Minister of the Royal Household in the old regime, was also held as the King's personal royal servant, responsible only to the King. Although there was no specific document indicating their status, the officials of ten departments under the Office

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<sup>31</sup> King Prajadhipok to Prince Jirasakti, 1 March 1933 in *Memory Funeral Book of Khunying Manee Siriworasarn* (1 December 1999)



of the Palace Administration thus might be held royal servants as well. Financially, when the 3 million baht was allocated, it would be held completely at the King's prerogative. The expenditures in the palace court, salaries of officials, the maintenance of palaces and royal residences, and ritual expenses were under neither the government's nor Parliament's authority. This exceptional status of the Office of the Palace Administration was maintained until the bureau was promoted to be a ministry again after the Baworadej Rebellion.

Between June 1932 and December 1933, when the Office of the Palace Administration was the principal bureau of the royal court, the political conflicts among the leaders became a civil war. In October 1933, Prince Baworadej, the Minister of Defense of the old regime, led the provincial army, composed of some royals and royalists, to seize power from the People's Party's government. There is some evidence that the Office of the Palace Administration had a crucial role during the rebellion. The memoir of Phayom Rojanapruek, an ex-official of the Ministry of the Royal Household who began his career as a journalist, depicted his own roles during the civil war as the royal court's secret agent. King Prajadhipok had formed an intelligence unit for which the Office of the Palace Administration was the center. Gaining intelligence from his career as a journalist, Phayom was one of those who were recruited. Chao Phraya Worapong drafted the spies himself and would filter information from them before submitting to the King.<sup>32</sup> This intelligence circle did not avoid the government's eyes, as Prajadhipok was accused by the Special Court of his conspiracy in the rebellion few years later.<sup>33</sup> Arguably, the reform which took place after the rebellion would prevent the intervention in politics of the royal court as before.

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<sup>32</sup> A.K. Rungsaeng *P.27 King Prajadhipok's Secret Agent*, pp. 149-358

<sup>33</sup> *Special Court Verdict B.E.2482 on the Rebellion* (Bangkok: Propaganda Bureau, 1939)

In sum, during the first two years after the 1932 Revolution, the organizations responsible for the Siamese royal court were not ministries any more. While the Ministry of Royal Secretariat was downgraded and eventually abolished, the Ministry of the Royal Household was changed to the Office of the Palace Administration, which was still one of the King's prerogatives. The unique status of the Office was its financial system which was annually funded by the state but was subject neither to the Cabinet nor the National Assembly; rather, its spending was completely under the King's decision. However, each annual allowance of the royal court was a result of negotiations between the government and King Prajadhipok, and, according to documentary sources, the reduction of the royal court's budget made the King feel insulted.

### 2.3 The Reestablishment of the Ministry of the Royal Household

Although there is not any specific evidence indicating how Bhahon government perceived the royal court during the rebellion, it was understandable if the Cabinet was frustrated by the King's intelligence unit. Its movement could be held as threat to the government's security. Changes happened to the Office of the Palace Administration after the rebellion which might have shown the new leader's attitude toward the royal court. This reform should be considered, on the one hand, as a part of the political conflicts between King Prajadhipok and the government. On the other hand, it was a composition of the constitutional projects the leaders after the Revolution tried to establish in the Siamese government.

In November 1933, only a month after the Baworadej Rebellion, the government submitted the Ministries Reform Bill to Parliament.<sup>34</sup> There was no record of the Cabinet meetings during the rebellion documenting the real purpose of the government concerning the

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<sup>34</sup> *Minutes of the National Assembly Meeting*, 26/1933 (Regular), 23 November 1933

Bill. However, after the Act was promulgated, the Siamese executive branch would be composed of 8 ministries and one equal-ministry organization – the Office of the Prime Minister. Among the ministries, the Office of the Palace Administration was upgraded to the Ministry of the Royal Household. One significant change in the Minister of the Royal Household was that it was the first time in Thai history that the royal court organization was administratively and financially separated from the monarch, at least according to the law. Nevertheless, the most important organization of the royal court, the Privy Purse Department, was effectively practically still under the King's control.

According to Pridi Bhanomyong, who explained to the MPs in the National Assembly why the Bill was necessary, the new Ministry of the Royal Household would be under the government's responsibility, so its minister would be subject to Parliament as were other ministers. Pridi's explanation had an obvious implication that the Ministry of the Royal Household and its officials, especially the minister, would be transferred from the organization and servants of the King to be under the state's authority. The minister, who was a political bureaucrat, had to perform his duties in accordance with Parliament's approval, not with the King's command as before. As explained by Pridi, "[T]he Ministry of the Royal Household becomes one of the state's affairs, so do all of its departments, such as the Department of the Royal Guards, the Privy Purse, and Department of the Chamberlain." What Pridi said reflected the government's expectation over the reform of the royal court.

How the royal court, especially King Prajadhipok, responded to changes in the Ministry of the Royal Household appeared in some documentary evidence. In a letter (well known to those who study the modern history of Thailand) in 1934 Prajadhipok told Prince Naris, the then Regent, that one of the rumors which insulted him was that the government tried to change the

Ministry of the Royal Household to the British model without informing him. What offended him the most was that the royal guard and the Privy Purse would be separated from his power.<sup>35</sup> What Prajadhipok expressed contradicted Pridi's explanation to the National Assembly in 1933 that the King had already approved the government proposal to reform the Ministry of the Royal Household. According to Pridi, before submitting the Bill to Parliament, the Cabinet appointed a group of persons to consult with the King over the changes, and Prajadhipok agreed with a proposal that the Ministry and its minister would be transferred to be subject to the government.<sup>36</sup> The King seemed not to worry about the changes in the Minister of the Royal Household in the initial step, for he authorized the Bill himself before leaving for Europe in January 1934. However, what Pridi explained to Parliament might be different from the King's perspective.

One of the impacts of the reform which made the Ministry of the Royal Household subject to Parliament was that its minister could not have any political role. Chao Phraya Woraphong, then, could not be the center of the secret agent unit as he was during the rebellion. One interesting question is why Chao Phraya was still appointed as the Minister of the Royal Household in spite of his role during the civil war. On the one hand, the government may have been attempting to compromise with the King for helping to ensure a smooth collaboration after the conflicts. On the other hand, appointing a person close to the King such as Chao Phraya Woraphong to a position which answered to Parliament meant that the government could keep his actions in control. This change in 1933 turned a royal bureau to an organization under the power of parliament. It could be held as part of the constitutional monarchy reform efforts in which the monarch was excluded from the state affairs. It also reflected the political struggles

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<sup>35</sup> King Prajadhipok, "The Royal Memorandum no.1," in *The Government's Declaration on King Prajadhipok's Abdication*, pp.137-139

<sup>36</sup> *Minutes of the National Assembly Meeting*, 26/1933 (Regular) 23 November 1933

between the People's Party and the royal court, in which the former could turn a figure who used to be an antagonist to be its controllable puppet.

In addition to the effects of the new system of annual allocation of the re-established Ministry of the Royal Household, the power to manage the Ministry's budget was removed from the monarch's prerogative and was now held as a public affair. According to Pridi, the financial management of the Ministry would be changed in accordance with its administrative transformation. The annual budget would comprise the expenditures of the Ministry and the budget for the King. As Pridi claimed, the management of the expenses of the Ministry would be the government's power, because its administration was changed. When the 1934 fiscal year Bill was submitted to the National Assembly, the budget of the Ministry of the Royal Household, instead of being a royal prerogative, became compliant with the parliamentary fiscal process (similar to other budgets). This process began with the Minister of the Royal Household setting up the budget and proposing it to the Minister of Finance. The Cabinet then considered all proposals. Afterwards, the budget would be submitted to the King for his approval. When Prajadhipok left for England, the Cabinet and the Regent considered the budget together again before submitting it to Parliament.

The categorization of the budget was also changed. In the previous year, there were three sorts of expenditure: the salary and expenses of the Ministry, the salary and expenses of the Privy Purse, and the special budget comprising the personal budget of the King.<sup>37</sup> In 1934, the Ministry of the Royal Household was still allocated approximately at 3 million baht, but its categorization was not the same. The expenses concerning the royal court now comprised six groups of budget: the private budget of the King, the annual annuity for the royals, the

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<sup>37</sup> Director of the Department of the Privy Purse to the Minister of the Royal Household, 1 January 1934 in N.A. (3) SR 0201.4.1/4

expenditures of the Ministry, the expenses of the Privy Purse, the budget of the Royal Guard, and miscellaneous expenses. Prajadhipok's personal budget was 600,000 baht. When the National Assembly approved the Bill, the budget of the monarch and the expenditure for the Minister of the Royal Household were located on different parts of the Act.<sup>38</sup> Thus, the financial administration of the royal court was legally separated from the monarch.

The separation between the personal budgets of the monarch from the allocation of the royal court could be explained by the government's attempts to imitate the financial system of the British palace court. The essential of the English system was the exclusion of the sovereign from the power to control the public finances. The Civil List, initiated in Great Britain due to a compromise after the Glorious Revolution, began by covering the royal court's expenditures and the civil administration's budgets. However, after decades of negotiation between the palace and Parliament, the Civil List was limited to be only the personal expenses of the monarch and some expenditure for the throne's honor.<sup>39</sup> The development of the Civil List reflected English political history in which Parliament increasingly controlled public affairs. A Siamese post-revolution leader mentioned the Civil List as the model of the reform of the royal court:

[T]he budget was initiated last year for separating the personal expenses of the King from the budget of the Ministry of the Royal Household. The two kinds of budget used to be united. Nevertheless, the government considered that in the constitutional regime, it should be corrected in accordance with other country, England for instance.

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<sup>38</sup> "The Fiscal Year Act, B.E. 2477," *Royal Gazette* 51(5 April 1934): 11-25

<sup>39</sup> Phillip Hall, *Royal Fortune: Tax, Money & the Monarchy*, London: Bloomsbury, 1992, chapter 1

This meant that the personal expenses of the King would be separated, as the foreigners called it the Civil List.<sup>40</sup>

How did King Prajadhipok think of his loss of power over the royal court's budget? Among his requirements to the government during the abdication crisis, Rama VII insisted that the Ministry of the Royal Household must not be modelled after the British royal court. He further maintained that the appointment of the royal servants had to be his prerogative, but the King did not mention the system of the budget management.

Some information about changes in the Minister of the Royal Household might clarify this point. According to the Director of the Privy Purse, King Prajadhipok's personal allocation in 1933 was 1 million baht. However, when the expenditures of the royal court increased during the year, the King had to divider-allocate his personal budget to compensate for the increased expenses, so his real amount of money in that year was only 530,000 baht.<sup>41</sup> Thus, to allocate the King's personal allowance in 1934 at 600,000 baht was actually to increase the amount compared to the previous year. Moreover, Prajadhipok asked the government to transfer the salaries of the ladies-in-waiting (which were formerly combined with his personal allocation) to be instead a part of the Ministry's budgets, and the Cabinet approved this request.<sup>42</sup> This meant that in addition to the increased annual personal budget, Prajadhipok had still more money due to the transfer of these expenditures to the Ministry of the Royal Household. At this point the King benefited from changes to the royal court, which might be why he did not oppose the transformation.

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<sup>40</sup> *Minutes of the National Assembly Meetings*, 64/1934 (Regular), 30 March 1935

<sup>41</sup> Director of the Privy Purse to the Minister of the Royal Household, 1 January 1934 in N.A. (3) SR 0201.4.1/4

<sup>42</sup> Minister of the Royal Household to Cabinet Secretariat, 11 Jan 1934 in N.A. (3) SR 0201.4.1/4

What Pridi misunderstood about the change in the royal court administration was the Privy Purse. He stated to the National Assembly that when the Ministry of the Royal Household was transferred to be under the state's authority, other organizations under the Ministry, including the Privy Purse, would be accordingly changed. What Pridi said might reflect the new leaders' expectation of the results of their manipulation of the royal court. However, although it was legally a bureau under the Ministry of the Royal Household, the Privy Purse was not yet controlled by the government. This point appeared when an MP inquired the government during the fiscal year Bill session as to why there was no detail provided about the Privy Purse's incomes. The Prime Minister's answer clearly indicated the status of the Privy Purse at that time.

Regarding your question, I think you do not understand. The Privy Purse's budget is not of the government; rather, it is the personal money of the King. The income from shophouses is not for the government: it is for the royal court. Then, we cannot examine the Privy Purse's budget.<sup>43</sup>

In sum, the reestablishment of the Ministry of the Royal Household in 1934 brought about the separation of some parts of the royal court administration from the King's power. The new Ministry and its inferior organizations became the government's responsibility, and its minister's status shifted from that of a subordinate to the King to parliamentary control, which prevented the Minister from acting in an antagonistic role against the government. Furthermore, the transformation of power was precisely expressed through the annual allowance the government allocated for King Prajadhipok. The expenditures in the royal court formerly spent under the royal power were now controlled by the government. The exclusion of the monarch from the power to manage the royal court's budget was modelled after Britain's Civil List

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<sup>43</sup> *Minutes of the National Assembly Meetings*, 15/1933 (Regular), 20 February 1934



system. King Prajadhipok did not seem to have an issue with these changes, at least in the initial part, in early 1934. According to the documentary materials, the government had consulted the King before implementing their project. Moreover, some evidence indicated that Prajadhipok benefited at least somewhat from the transfer of the budgets of the Ministry of the Royal Household to the government's responsibility. The key point here is that the most important organization of the royal court, the Privy Purse Department, was still under royal power: the government allocated its budget, but had no authority to control it.

## 2.4 The Ministry of the Royal Household and the Crisis of Abdication

The abdication of King Prajadhipok was another significant turning point which brought about changes in the Ministry of the Royal Household. Financially, the budget for the monarch was reduced and re-categorized. Administratively, the palace's organizations were transformed into smaller bureaus.

### 2.4.1 Before the Abdication

Before King Prajadhipok sent the Prince Regent a telegram in October 1934 stating that he wanted to abdicate, the conflicts between the King and the government comprised three main issues. The first conflict was about the Death Duty Bill. The Cabinet approved such a bill not long after the Revolution for collecting taxes from the rich.<sup>44</sup> The process to enact the Bill took about two years, and the House of Representatives approved it in August 1934. However, when the approved Bill was submitted to the Regent to obtain the royal endorsement, King Prajadhipok refused to authorize it. The King wanted the government to ensure the Bill specified more definitively that the properties of the crown would be immune to any tax. The Cabinet denied the

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<sup>44</sup> Prakan Klinfoong, "The Crown Property Management during the Early Period of the People's Party Government," *The Brahma who provides prosperities: the Political Economy of the Crown Property after 1932* (Nondhaburi: Fadeawkan, 2014), pp. 129-158

King's request, because the sovereign had no power to rearrange the parliamentary approved Bill. What the King could do in this situation was only either to endorse the Bill or to return it to the National Assembly, according to the Constitution. The Cabinet then turned the issue back to the House to decide its resolution. The majority of the MPs voted to maintain their previous resolution. Unsurprisingly, this decision insulted the King. Phraya Bhahon, the Prime Minister, had to promise the King that the government would urgently formulate a new Bill which contained the content the King wanted.<sup>45</sup> This promise could convince the King, and the Death Duty Bill eventually gained the necessary sovereign endorsement and was promulgated in late August 1934. However, during the abdication crisis, Prajadhipok claimed that he did not want any new Bill. The Prime Minister's promise was just another trick the government used to deceive him into endorsing the law, the King believed.

The second issue concerned the three Bills related to the execution penalty. Prajadhipok wanted to add to the approved Bills that, after being sentenced to death, the death row inmate could appeal for the royal pardon. Furthermore, the King added that if such an appeal was still in the process, the execution had to be postponed. Nevertheless, the House of Representatives maintained its approved version. The three Bills were promulgated without any royal authorization, which was possible due to Article 39 of the Constitution. Some interesting implications of this case were raised during the argument. Firstly, to skip the monarch's power to grant a royal *merci* might affect the Siamese traditional concept about the monarchy in which the King was the Lord of Life who had the authority to decide whether to let his subjects live.<sup>46</sup> Secondly, if such an authority was shifted to the government's power, they might make use of it

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<sup>45</sup> Prime Minister to King Prajadhipok, 24 August 1934 in Office of Cabinet Secretariat, SLK 3.22.9/1

<sup>46</sup> Naiyana Hongtongkum *King Rama VII and the People's Party*, M.A. thesis, Department of History, Graduate School, Chulalongkorn University, 1977, pp.268-274

to get rid of their political enemies<sup>47</sup>, and the King was really concerned about this point. The last issue concerned the constitutional power of the King over the parliamentary approved Bills. However, the House's decisions were not in favor of the King.

The last controversy was about the second category of the members of the National Assembly. According to the Constitution's interim provision, there were two categories of the House's members: the elected and the appointed. The provision stated that either when half of the people in the country had graduated from primary school or ten years had elapsed since the first Constitution was promulgated, all of the appointed MPs would be replaced by the elected. Accordingly, the controversy was about the royal power to appoint the second category of MPs and about the King's prerogative to veto the parliamentary approved Bills. After the first general election in November 1933, the second category of MPs was to be selected. However, Prajadhipok claimed that the list came to him too late for him to make a careful decision and that he had to approve the list to meet a deadline.<sup>48</sup> His point was that the government did not want him to have any power to select those MPs. According to the King, the second category became the government's mechanism in the National Assembly. Due to the formulation of the majority rules as stated in the Constitution, if the monarch vetoed a law, the House could override his veto if the majority was only 1 vote more than half of the number of MPs. Prajadhipok then suggested that the majority rule should be replaced by a super-majority rules, which required three-quarters of votes to override the King's veto. Generally, King Prajadhipok wanted more power in the legislative process.

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<sup>47</sup> Eiji Murashima, "Democracy and the Development of Political Parties in Thailand, 1932-1945," in *The Making of Modern Thai Political Parties* (Tokyo: Institute of Developing Economies, 1991), p.29

<sup>48</sup> *The Government's Declaration on King Prajadhipok's Abdication*, pp. 178-186

The royal court issues were part of the controversy between Prajadhipok and the government during the crisis of abdication. The first problem was that the government wanted to prosecute Prince Subha Svastivatana and other royal guards because they were accused of being involved in the Baworadej Rebellion. Prajadhipok ascribed the prosecution to the government's belief that the King himself supported the Rebellion. He claimed that his royal guards had nothing to do with Baworadej's supporters and asked the government to drop the case. This point led to another requirement the King wanted. Prajadhipok opposed the government's proposed dissolution of the royal guard unit. He claimed that the situation in the country after the Rebellion was still confusing. The military was split into factions. Fighting between factions could happen anytime, so the King felt unsafe without the royal guard. Prajadhipok insisted that his guard unit had to be maintained both in terms of number and financing, and he requested that the government to provide more guns and bullets to the royal guard. Lastly, Prajadhipok was concerned that the government had a secret plan to reform the Ministry of the Royal Household. He doubted whether the government intentionally concealed the plan and also did not notify him. Furthermore, the government's plan was to change the royal court into the English model, to which Prajadhipok himself was strongly opposed. He asked the government to stop any plan for the Ministry, and vigorously insisted that the power to shuffle the royal servants did belong to him.

#### 2.4.2 Criticism of the Royal Budget in Parliament

The controversy between King Prajadhipok and the new leaders affected the parliamentary review of the royal budget for the new fiscal year. Since August 1934, the National Assembly continuously had had sessions about the royal power and the relations between themselves and the monarchy, and the House's resolutions always were not in favor of the King.

The Fiscal Year Bill was submitted to the National Assembly in February 1935, during which month Prajadhipok's reign entered its final days. What seemed unexpected for the government was that the budget provided for the royal court was strongly critiqued by some MPs. For example, after reviewing the Bill in general, Luang Woranitipreecha, Sakonnakorn MP, critically questioned if the Ministry of the Royal Household really benefited the people. He claimed that 2 million baht was too high to allocate the Ministry. Phra Phinit Thanakorn, an MP from Chiang Mai, suggested that the government should ask the King to reduce the Ministry of the Royal Household's budget by 2 million Baht in order to help the poor.<sup>49</sup> However, the Cabinet did not reply to these questions.

Luang Woranitipreecha also questioned the budget provided for the Privy Purse. He asked why, since the Privy Purse was a private bureau of the King, running its affairs for the personal benefits of the monarch and other royal family members, was it funded by tax monies obtained from the people for more than 300,000 baht? He concluded that the Privy Purse's expenditures should be dismissed from the public budget. The mention of the Privy Purse triggered the government to reply in the House. Phraya Bhahon, the Prime Minister, said that:

[R]egarding the Privy Purse's budget, it actually is the private budget. If we had clumsily reduced it, then it might have affected the monarchy. Therefore the Cabinet did not decrease its allocation.<sup>50</sup>

By early 1935 the last phase of Rama VII's reign began, more than a year after the reestablishment of the Ministry of the Royal Household, most of the administrative and financial management of the royal court had been assumed by the government; however, the Privy Purse

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<sup>49</sup> *Minutes of the National Assembly Meeting*, 23/1934 (Regular) 21 February 1935

<sup>50</sup> *Ibid.*

was still practically under royal authority. The government and Parliament did not intervene in its administrative and financial affairs. Nevertheless, during the transformative period, in which the conflicts between the monarch and the new leaders took almost two years to resolve, there appeared in the House of Representatives some calls for an inquiry into the royal annual allowance.

After discussion, the House approved the Bill at the first reading. A committee was set up to examine it in detail. Prajadhipok abdicated on March 2, 1935. The parliamentary enactment of the Fiscal Year Act was still in process, thus the royal financial management was altered during this transformative period. One point left from the discussion of Luang Woranitipreecha would be a critical part of the changes in the Siamese Palace court: “the Ministry of the Royal Household must be collapsed to a department, and its budget must be reallocated.”

#### 2.4.3 After the Abdication

The allotment for the royal court was changed due to Prajadhipok’s abdication. Available evidence indicates that Phraya Nitisart Phaisan, the Chairman of Parliament’s Fiscal Committee, suggested that the royal allocation should be reduced.<sup>51</sup> Interestingly, the MPs who questioned the Ministry of the Royal Household’s budget during the first reading of the fiscal Bill, Luang Woranitipreecha and Phra Phinit Thanakorn, were also voted to be committee members, as was Prince Wan, who had a significant role in explaining to the MPs the principle of the fiscal Bill regarding the royal budget.<sup>52</sup> The amount of the reduction was the subject over which the royal court and the committee negotiated. The process began when the Minister of the Royal Household set the annual allowance for the royal court, after which the committee

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<sup>51</sup> Phraya Nitisartphaisal to Prime Minister, 8 March 1935 in N.A. (3) SR 0201.4.1/4

<sup>52</sup> *Minutes of the National Assembly Meeting*, 23/1934 (Regular) 21 February 1935

considered and reduced it to the preferred amount. The Council of Regency then provided their comments. The Cabinet reviewed all comments and created the final draft. Finally, the National Assembly approved the Bill and promulgated it as law. Such a process affirmed again that the Siamese royal court's allocation had become a part of the national budget procedure.

A main purpose of the rearrangement of the Ministry of the Royal Household's allocation was to save the state's budget. The committee suggested that the new king was still young and was living abroad, so the expenses in the royal court should not be as high as in the previous reign. Moreover, the royal allowance was also re-categorized during the negotiation. First, the most important change was that the personal allocation of the King, which was named 'the budget for His Majesty's use while he is young'<sup>53</sup>, was initially reduced from 600,000 to only 250,000 baht, including the budget for the royal merit and other expenses. Second, it was separated from the other expenses of the royal court and fixed at 100,000 baht.<sup>54</sup> Significantly, it was also re-assigned to the Central Budget, as was the budget for royal merit, that of the Regent, and the annual annuity for the royals.<sup>55</sup> The Central Budget was defined as expenses under the direct control of the government without being allocated through any ministry. At this point, the government could expand its power to manipulate the personal budget of the monarch at least in the administrative structure. Details of the royal court budget rearranged after King Prajadhipok abdicated are in table 2.2 below (compared with previous years).

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<sup>53</sup> The English translation of this sort of budget is from Bruce Lockhart, "Monarchy in Siam and Vietnam, 1925-1946," p.500

<sup>54</sup> Minister of the Royal Household to Prime Minister, 23 March 1935 in N.A. (3) SR 0201.4.1/4

<sup>55</sup> *Minutes of the National Assembly Meeting*, 64/1934 (Regular) 30 March 1935

Year	Amount (Baht)			Status
1932	Personal Budget of the King	initially 4,500,000 baht, reduced to about 3,000,000 baht		Royal Prerogative
	Office of Palace Administration			
1933	Personal Budget of the King	535,674		Royal Prerogative
	Budget of the Royal Court	2,464,326		
1934	Personal Budget of the King	600,000		Royal Prerogative
	Ministry of the Royal Household Budget	2,380,000		Cabinet's Control / Parliamentary Process
1935	Central Budget	Personal Budget of the King	100,000	Discretion of Princess Mother and the Regent
		Royal Merit	150,000	Parliamentary Process
		Regent	55,200	
		Annuity for Royals	200,000	
	Ministry of the Royal Household Budget	1,003,115		Cabinet's Control / Parliamentary Process

Table 2.2: Budgets of the Royal Court after the 1932 Revolution<sup>56</sup>

The budget for the Ministry of the Royal Household related to the royal affairs was also rearranged and re-categorized. The Committee proposed to cut some royal budgets from the Ministry's expenses and to transfer some expenditure to the personal budget of the King. In

<sup>56</sup> Minutes of the National Assembly Meetings 59/2475, 31 March 2476, "The Fiscal Year Act, B.E. 2477," *Royal Gazette*) 51(5 April 1934): 11-25, Minister of the Royal Household to Cabinet Secretariat, 11 Jan 1934 in N.A. (3) SR 0201.4.1/4, and "The Fiscal Year Act, B.E. 2478," *Royal Gazette*) 51(31 March 1935): 1457-1472



addition, sub-departments in the Ministry were merged together. The Department of the Chamberlain and the *krom wang* were collapsed to form the Office of the Permanent Secretary (*samnakngan palad krasuang*). Some bureaus were not changed but instead added more officials to their budgets. The deputy private secretary to the King and private secretary of each Regent were added to the Department of the Royal Private Secretary.

Other important budgets included the Privy Purse and the Department of the Royal Guards. The Committee provided the budget of the Privy Purse only for its Director and other four Heads of Divisions, so other positions in the bureau had to be funded by the bureau's own revenues. This rearrangement was in accordance with a plan which prepared to transfer the Privy Purse to be under the Ministry of Finance. The Regent disagreed with this change, however; the Regent argued that the Privy Purse was responsible for the personal properties of the King, so its separation from the Ministry of Finance was in accordance with the government's policy which tried to separate the King's personal assets from the Crown properties. The Committee removed the budget of the Department of the Royal Guards from that of the Ministry of the Royal Household and re-assigned it to that of the Ministry of Defense. The Council of Regency did not oppose this change but asked to retain the power to select the royal guard for themselves.

Furthermore, the Regent claimed that the personal allowance of the King was too low, and argued that it should be combined with the special budget and the annual annuity for the royals. This amount of money should be spent arbitrarily by the King without any restriction by the conditions the Committee set up; otherwise, the royal prerogative would have been infringed, the Regent stated.

In conclusion, the Siamese royal court again underwent many administrative and financial alterations during the abdication crisis. The unpleasant relationship between King

Prajadhipok and the new leaders lasted throughout 1934 (particularly when the King tried to increase his power). These conflicts could be traced in the discussions of the MPs in Parliament over the royal court's budget. After the abdication in March 1935, the Ministry of the Royal Household was renovated in both its administration and finance. The King's personal budget and the Ministry's expenses were reduced. The internal organizations of the Ministry were amended to prepare for more thorough later reforms.

## 2.5 Establishment of Bureau of the Royal Household

The establishment of the Bureau of the Royal Household in accordance with the proposal of the Committee appointed by the Cabinet resulted in the government achieving complete control of the royal court, both in administrative and financial aspects. One of the most significant changes was that the Cabinet completely controlled the Privy Purse.

### 2.5.1 The Committee and Its Proposal

A few days after the 1935 Fiscal Year Act was promulgated, the Cabinet appointed the Committee for Reform of the Ministry of the Royal Household (hereafter the CRMR). Committee members included Prince Sakolwannakorn Worawan (Prince Sakol) as the committee chairman, Phra Dulayatharn Preecha White, Khun Worasithi Darunwech, and Praya Bamruaphakti.<sup>57</sup> The committee's principal duty was to remodel the Ministry of the Royal Household. To accomplish this, the CRMR was required to consider the notices of Parliament's Fiscal Committee, the criticism of the MPs, and the concerns of a ministry official whose anonymous letter about the enormously reduced budget was submitted to the Regent and passed thence to the Cabinet.

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<sup>57</sup> Record of the Cabinet Meeting, 1/2478, 3 April 2478

This letter raised three significant issues. The first of these was that the annual annuity for the royals would be reduced, which, the letter's author felt, could worsen relationships in the royal family as well as the relationship of the Cabinet and Parliament. The author suggested the government should retain the same amount for the annual grant. The second point of the letter was about the reduction of the salaries of the officials in the Ministry of the Royal Household's organizations. If the salaries were reduced to the amount desired by the Fiscal Committee, more than 600 civil servants would be laid off. The third issue the letter mentioned was that the budget could not meet the entire expenses of the Ministry if the expenditures were to be exorbitantly reduced.<sup>58</sup> The letter's author might be one of the high rank administrators of the ministry, since the letter contained details of the reform. The Regent agreed with the same concerns as detailed in the letter and submitted it to the Cabinet.

There were no specific details concerning the notice of the Fiscal Committee mentioned by the Cabinet. However, as mentioned above, the committee wanted to regulate the annual annuity for the royals and this point had not yet been settled. Meanwhile, the MPs' criticism of the budget of the Ministry of the Royal Household was that its amount was too high, and they wanted its administrative rank decreased to that of a department (*Krom*). This last point would be realized a few months later.

Prince Sakol, the committee's chairman, had the most significant role in the establishment of the BRH. He contended with the Regent over issues of the royal court reform. Prince Sakol (1888 – 1953) was a son of Prince Naradhip and *mom* Phan Worawan. He started his studies in his father's residence and Rachawitthayalai School and received a state scholarship to study in England. The Prince graduated in Political Science from Cambridge University. He

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<sup>58</sup> Royal Private Secretary to Prime Minister, 27 March 1935 in N.A. SR 0201.14.1/10

was also trained at the Inner Temple and became a barrister in 1914. Prince Sakol began his civil service career in the Ministry of Interior. He was appointed a Privy Councilor and a Privy Councilor Committee member in the sixth and seventh reigns, respectively.<sup>59</sup> His career was not affected by the 1932 Revolution. On the contrary, he seemed to be secure in the new regime, provided that he had usually been appointed by the Cabinet to one of its several committees. In his official biography, his duty in the CRMR was not mentioned. Prince Sakol's thoughts occurring during the discussion with the Regent might have resulted from his education in Europe. In 1950s, the Prince publicly said that he joined the Fabian Socialist group when he was in England in the 1900s.<sup>60</sup> However, in his argument with the Regent, his reasoning was obviously based on constitutional monarchical principles rather than socialism.

The process of the establishment of the BRH was pursued as follows. The process began with the report of the CRMR. Next, the Regent considered the report and provided critical comments, to which the CRMR replied, mentioning points they did not agree with. After that, the Cabinet considered all proposals and comments and issued a final resolution. Lastly, the proposal was submitted as a Bill to the National Assembly for approval, and eventually the Act was promulgated. The following significant points of change to the Siamese royal court occurred during this process.

First, the Ministry of the Royal Household was reduced in administrative level to be only a department, thus its head was no longer a minister. The CRMR ascribed this change to the decreasing importance of royal affairs after Prajadhipok's abdication.<sup>61</sup> Although agreeing with this point, the Regent expected that when King Ananda became *sui juris*, the royal court's

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<sup>59</sup> *Biography and Speeches of Prince Sakolwannakorn Worawan*, a funeral memory book, 15 May 1956

<sup>60</sup> *Prince Sakol Wannakorn Worawan's Declaration: a socialist of Thailand* (Chonburi: Chetthaburut, n.d.), p. 2

<sup>61</sup> The Committee for Reform the Ministry of the Royal Household, "The Report no.1," 31 May 1935, in N.A. (2) SR 0201.14.1/10

administrative level would be increased again.<sup>62</sup> The Cabinet did not guarantee this; rather, they left the issue to be resolved by future governments. Initially, the CRMIR suggested that the new organization should be named ‘Department of the Palace’ (*Krom Wang*). However, Pridi Banomyong stated in a Cabinet meeting that there were other bureaus under the new organization which also held *Krom* status and argued that these hierarchically-different entities could not be the same level.<sup>63</sup> Pridi suggested the name ‘Bureau of the Royal Household’ (*Samnak Phra Ratchawang*), which was approved by the Cabinet and Parliament. This name has been used until the present day.

Regarding the BRH’s hierarchical command, the CRMIR proposed that it should be directly under the Prime Minister’s control. This suggestion confused the Regent who argued that there were some discrepancies between being under the command of the Prime Minister and the Office of the Prime Minister. If the latter was appointed to instruct the BRH, it would be untraditional because the Siamese royal court, which had never been under any lower organization, would lose its integrity. Moreover, such a control could be misunderstood by those who believed that the government tried to unfairly manipulate the palace, the Regent argued. On the contrary, the Regent indicated that if the BRH was directly commanded by the Prime Minister, it would conform not only to the English pattern of the constitutional monarchy, but also to the Article 57 of the Constitution which stated that every royal affair must be countersigned by a minister. The CRMIR had in fact suggested that the BRH be placed under the Prime Minister, so the Cabinet merely approved the proposal. When the Bill was submitted to Parliament, although some MPs did not agree that the royal court should be under the Prime

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<sup>62</sup> The Regent’s Memorandum on the Report of the CRMIR, 10 June 2478, in N.A. (2) SR 0201.14.1/10

<sup>63</sup> Record of the Cabinet Meeting, 30/1935, 26 June 2478

Minister's power,<sup>64</sup> these comments did not have a guarantor, so there was no discussion in Parliament, and the proposal remained unchanged. Regarding the comments of the Regent, it could be argued that after King Prajadhipok's abdication, there was a consensus among the Siamese leaders that the royal court should be reformed in this direction. Even the Regent who considered themselves the representative of the King and the royal court did have an argument based on constitutional monarchical principles. However, it should be remarked that this change occurred when there was no King permanently residing in the country. Three years after the 1932 Revolution, the royal court became an organization commanded by the Prime Minister.

The Office of the Royal Private Secretary (hereafter called the ORPS) was established at the same time as the BRH as another royal organization under the command of the Prime Minister. Initially, the CRMR suggested that the ORPS should be a bureau under the BRH. However, the Regent disagreed with this point because the duties of the two organizations were different. The ORPS was responsible for the coordination between the royal court and the government, the consideration of Bills, and other documental work. The amounts of such work did not decrease after the abdication. The Regent therefore suggested that the ORPS should be separated from the BRH.<sup>65</sup> The Cabinet agreed with the Regent. Thus, in effect, the Ministry of the Royal Secretariat, a royal court organization of the absolute era, which was downgraded to the Department of Royal Secretariat after the revolution, was simultaneously reestablished in 1935 with the BRH.

In the attempt to continue to reduce the state's budget, the CRMR tried to merge some redundant organizations and to transfer some bureaus to other ministries. For example, the CRMR proposed that the documental work of every department should be relocated under the

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<sup>64</sup> *Minutes of the National Assembly Meeting*, 2/1935, 6 August 1935

<sup>65</sup> Royal Private Secretary to Cabinet Secretariat, 15 June 1935 in N.A. (2) SR 0201.14.1/10

BRH's Office of Secretariat. The Division of the Royal Cloths and the Division of the Ladies in Waiting should be merged together. Moreover, the craft work, the amusement work, and the musical work, should be transferred to the Department of Fine Arts. Unsurprisingly, this suggestion did not have the Regent's approval, since, as they argued, the royal tradition would be affected by the organizational breakdown. For instance, the Division of the Royal Cloths and the Division of the Ladies in Waiting had different functions. The first Division closely involved the monarch and other royal family members, but the second Division concerned ordinary people; therefore, combining these Divisions would be unconstitutional because Article 3 of the Constitution stated that 'the person of the king is sacred and inviolable'.<sup>66</sup> Furthermore, the Regent did not agree that the musical work should be transferred to the Department of Fine Arts because:

[T]hose who performing the musical work are not normal artists. Rather, they carry out the higher royal performance which is necessary to be combined with other royal decorations, so it would be really wrong if the royally musical work is going to perform with those playing dramas.<sup>67</sup>

It was obvious that the Regent's concerns were about the royal traditions which might be changed due to the reform. The Cabinet did not want to insult the Regent by implementing this issue, since it was not a major concern for the new leaders. The Cabinet therefore promulgated a compromised resolution of this topic. The Division of Royal Cloth and the Division of Ladies in Waiting would function separately in the same department. The musical work was also

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<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

maintained in the BRH. After all of the organizational changes were accomplished, the BRH comprised 4 departmental bureaus and 10 inferior divisions.<sup>68</sup>

In addition, the Regent was concerned by the reform-induced layoffs of so many civil servants in the Ministry of the Royal Household. According to the CRMR's report, the old Ministry had 1,528 servants and after the reform only 919 positions would remain, including those who were transferred to the Department of Fine Arts. This meant that 709 public employees had to be laid off (which was a greater number than the author of the anonymous letter had anticipated). The Regent worried that the lay-off might lead to suffering among those servants. In order to relieve the effect of the unemployment, the CRMR negotiated with the Civil Service Commission to find available positions in the government organizations.<sup>69</sup> Due to this major dismissal, the CRMR expected that the government would be able to reduce the budget by 300,000 baht a year.

Beyond reducing the state's budget, the CRMR intended to make some changes to the royal court's traditions. Reform of the religious rituals was one of the purposes of the Committee. The CRMR suggested that the royal court should retain only those rituals based on Buddhist tradition and dismiss all of those contained Brahmanism. According to the CRMR, 'Brahmanism is obsolete...it should be cut down as much as possible because it is useless for either religious purpose or education.' The Committee suggested that if any rituals required a Brahman, the royal court would consider hiring them case by case. The Regent strongly opposed this suggestion, since, as they argued, nearly almost every royal ritual had Brahman aspects, thus if Brahmanism-based rituals were discarded, then all the royal ceremonies would not be correctly performed.

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<sup>68</sup> "1935 Bureau of the Royal Household and Office of Royal Private Secretariat Regulation Decree," *Royal Gazette* 52 (14 August 2478): 1244-1246

<sup>69</sup> Record of the Cabinet Meeting, 31/1935, 28 June 2478



Interestingly, to support their position, the Regent proposed an argument based on parliamentary principles, claiming that any royal ritual could not be changed unless it was approved by the National Assembly. The Regent also stated that since the Brahman knowledge was transmitted orally to later generations within Brahman families, such knowledge would disappear if not supported by the royal court. The Regent suggested to retaining only necessary Brahman positions in the palace court. In the Cabinet meeting, there was no minister who opposed the Regent, thus the Brahman position was maintained in the royal court.

The CRMR further proposed merging the experts in law and foreign affairs into the documental division of the ORPS. The committee argued that work in the royal court did not really relate to legal and international matters, so those experts were not necessary. This point brought about interesting debates. The Regent claimed that the CRMR proposed their plan without a thorough understanding of the royal court's work. The expert in law's duty was to submit his legal comments to the King on any Bill under consideration along with the legal issues affecting the monarch and other royals. Interestingly, in order to argue how indispensable the position was, the Regent even cited a resolution of the National Assembly which recognized the possibility that the monarch might be sued.<sup>70</sup> In the case of the expert in foreign affairs, the Regent claimed that only knowing some languages was not enough; rather, the position required the thorough understanding of cultures of other countries. The Regent further stated that while the young King resided abroad, the need for the expert was even increasing. The CRMR replied to the Regent that it was not necessary to have any legal expert in the royal court under the constitutional regime due to the possibility of misunderstanding between the monarchy and Parliament. These debates reflected the awareness of the leaders after the 1932 Revolution that

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<sup>70</sup> Royal Private Secretary to Cabinet Secretariat, 15 June 1935 in N.A. (2) SR 0201.14.1/10

the reform of the royal court must be pursued in accordance with constitutional monarchical principles. Noticeably, despite their different standpoints, both the Regent and the committee based their arguments on constitutional concepts.

Eventually, the Bureau of the Royal Household was established in August 1935 when a new Law concerning royal court reform was published in the *Royal Gazette*.<sup>71</sup> This was the first time after the Revolution that the government could definitely control the royal court, since the BRH was located under the direct command of the Prime Minister. Financially, the BRH maintained the system of the Ministry of the Royal Household, in which the royal court's budget was managed by the government through the parliamentary process similar to other state organization's budgets.

The Privy Purse was also reduced from a Department in the Ministry of the Royal Household to a Bureau (*Samnakngan*); only five of its officials received salaries from the state, the salaries for the remainder had to be provided from the bureau's own revenues. This change may have been the most significant of those made to the royal court because now the investment organization of the monarch and high rank royals was under the control of the government, since, due to its legal status, every business transaction of the Privy Purse had to be approved by the Prime Minister.

## 2.6 The Royal Court without the Royal Power

The changes to the management of the BRH was a major concrete example of the 1932 Revolution pattern of the reforms made to the royal court in accordance with constitutional rules. The power to control the royal court became a part of the government's domain.

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<sup>71</sup> "The Ministries Adjustment Act, B.E. 2478," *Royal Gazette* 52 (11 August 1935): 1229-1233

### 2.6.1 Financial Process

In contrast to the Office of the Palace Administration (whose financial management was completely a royal prerogative), the BRH was since its beginning a state organization which fell under the same public investigation process as other bureaus. In such a process, when the fiscal year term was ending, the Cabinet would order all ministries to offer their next year budget plan. First, the Ministry of Finance would screen all proposals, and there might be some negotiations with individual ministries. When the budget was settled, the Cabinet would submit it as a Fiscal Year Bill to Parliament. After the Bill was approved in the first reading, Parliament would appoint a committee for considering and amending it. During this step, the committee might summon ministers for cooperative consideration of their budgets. After that, the Bill would be considered again through the second and third readings, and it would be promulgated as a Fiscal Year Act if it obtained the approval of a majority of the MPs.

The Regent certainly understood this parliamentary pattern of financial allocation. As documented in archival evidence, sometimes the Regent even warned the government when they saw something altered from the constitutional scheme. For example, in the approval process of the 1936 Fiscal Year Bill, Parliament decided to cut the budget for the royal merit by 30,000 baht. However, there was no specific list of the expenses which would be cut. Thus, the Regent refused to authorize the Bill because to require the Regent to decide which of the merit expenditures would be eliminated was, according to the Regent, unconstitutional.<sup>72</sup> The Regent indicated that Parliament had to exactly specify the removed lists. This warning showed that the Regent were aware of the constitutional principle behind the royal court's financial management. The Regent also pointed out that 'Parliament on behave of the people is definitely able to remove

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<sup>72</sup> Royal Private Secretary to Prime Minister, 3 April 1936 in N.A. SR 0201.4.1/4

any expense.<sup>73</sup> This illustrated that the relationship between the Regent and the government, which was usually described in that the former was subordinate to the latter<sup>74</sup>, could be explained by the constitutional framework, especially during the premiership of Phraya Bhahol before Luang Phibul Songkram's ascending to power.<sup>75</sup>

In spite of adjustment to the constitutional practice of the royal affairs, the Regent tried to maintain the palace court's benefits as much as possible. As well as other state organizations' heads, which wanted larger budgets for their bureaus, the Regent sought a greater annual allocation for the royal court. Some negotiations with the government became noteworthy. When Parliament cut 30,000 baht out of the budget for the royal merit, the Cabinet ordered the Minister of Finance to hold a meeting with the BRH for selecting the expenses which would be removed.<sup>76</sup> The meeting was held on 9 April 1936. Phraya Chaiyossombat, the Minister of Finance, listed the expenses he thought should be cut out. In addition to the expenditures directly involving religious affairs, such as those for maintaining some temples, the lists included scholarships for students under the patronage of some high ranking royals. The Minister of Finance explained that the money for temples was already in the allocation for the Ministry of Education and that there was no regulation requiring the government to support those students. The scholarships provided

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<sup>73</sup> *Ibid.*

<sup>74</sup> Bruce McFarland Lockhart, *Monarchy in Siam and Vietnam, 1925-1946*, PhD dissertation, Faculty of the Graduate School, Cornell University, 1990, chapter 10

<sup>75</sup> Sarunyou Thepsongkro, "The Council of Regency in the New Regime, 1935 – 1951: Background, Scheme, and Adaptation of the Constitutional Monarchy," *Silpawatthanatham* 33, 9(July 2012): 72 - 101

<sup>76</sup> After he was ordered by the Prime Minister, Phraya Charti Dejudom, The Lord Chamberlain, was curious whether he himself as the representative of the BRH could negotiate with the Ministry of Finance over the reduced budget. Given the royal merit was part of the allowance provided to the monarch (which was already in the Central budget, thus directly under the control of the Cabinet) the BRH could not intervene. However, a high ranking official of the Office of the Cabinet Secretariat suggested that the BRH had a good understanding in the royal court finance, so it was suited to the duty. After all, the Prime Minister would be the one who decided how to reduce the budget, the official indicated. Handwritten document, 10 April 1936 in N.A. SR 0201.4.1/4

depended on the King's pleasure. Lastly, the Minister of Finance suggested that to allocate the budget for the royal merit, which included the scholarships, should be approved by the Cabinet.<sup>77</sup>

Such a suggestion originated a contention. The Prime Minister agreed with Phraya Chaiyosombat's ideas, and issued a command to apply them for subsequent allocations.<sup>78</sup> Nevertheless, the Regent held a different opinion concerning the idea that the Cabinet would authorize the budget for the royal merit. The Regent contended that the Minister of Finance's suggestion would alter the nature of the budget, which was conceived as the King's own intention and that such a suggestion had not yet been granted parliamentary approval. Furthermore, according to the Regent, the suggestion conveyed the appearance that the government did not have any trust in the royal court.<sup>79</sup> Lastly, the Regent argued that this expense was spent especially for beneficial purposes and attached a list of the expenditures in this category in the previous year.<sup>80</sup> The Regent then strongly insisted that the traditional pattern of this budget should be maintained. The Minister of Finance explained that his suggestion was only preliminary and could be modified if the Regent disagreed. However, the Minister still recommended that the budget spending should be regulated.<sup>81</sup> As the mediator, the Prime Minister wanted the two sides to end the contention, so that the 30,000 baht allocation reduction would be settled. However, both the Regent and the Minister of Finance maintained their standpoint, so the management of the royal allocation was delayed. The government had to ask Prince Wan, the advisor to the Office of the Prime Minister, to suggest a resolution to the problem.

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<sup>77</sup> Minister of Finance to Cabinet Secretariat, 11 April 1936 in N.A. SR 0201.4.1/4

<sup>78</sup> Handwritten note of the Prime Minister, 15 April 1936 in N.A. SR 0201.4.1/4

<sup>79</sup> Royal Private Secretary to Cabinet Secretariat, 30 April 1936 in N.A. SR 0201.4.1/4

<sup>80</sup> Royal Private Secretary to Cabinet Secretariat, 19 May 1936 in N.A. SR 0201.4.1/4

<sup>81</sup> (copy) Minister of Finance to Cabinet Secretariat, n.d. in N.A. SR 0201.4.1/4

Prince Wan seemed to be trying to achieve a compromise between the two contenders. On the one hand, he maintained the autonomy of the royal court. On the other hand, the Prince tried to frame royal affairs in constitutional principles. Prince Wan indicated that he did not agree with the idea that the budget for the royal merit would be approved by the Cabinet; however, the expense, held as one of the state affairs, had to be spent in accordance with the Constitution, i.e., there had to be a Minister's countersignature. The Prince therefore suggested that the charity budget should be maintained under its traditional aspect in which the King could spend it as he pleased, yet it had to be countersigned by the Prime Minister.<sup>82</sup>

In spite of the Prince's maintaining of the traditional aspects of the royal court, it could be argued that after the 1932 Revolution when the People's Party was in power the countersignature was not merely a formally meaningless procedure. Yet, reform was genuinely pursued as a process which illustrated the constitutional conformity of the monarchy. The Minister who countersigned the royal command was held as the one who had true legitimate power. Thus, to impose on the budget for the royal merit the requirement of a countersignature by the Prime Minister implied that it did not depend on the monarch's pleasure as its title appeared to suggest. Prince Wan's suggestion, which was later approved by the Prime Minister, apparently changed the real power over the budget from the King to the government's leader.

#### 2.6.2 Procedure Regulations in the Royal Court

Immediately after the establishment of the BRH and the ORPS, regulations of the working process in the royal court were accordingly modified. There was a meeting of high ranking royal court officials to create working procedures for the two royal bureaus, which, since the royal court was under the Prime Minister's control amounted to a framework under which

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<sup>82</sup> Handwritten note of Prince Wan, 28 May 1936 in N.A. SR 0201.4.1/4

every task performed by in the palace court must be reviewed by the Premier before becoming valid. For example, the Prime Minister, not the Minister of the Royal Household as before, now issued the schedule of the royal court's rituals. Except for internal dispatches between the royal court organizations, every formal letters of the two departments was required to be reviewed by the Premier. The appointment of the civil servants in the palace court was regulated in accordance with the amended Civil Servants Act which also yielded power to the Prime Minister. The meeting created a correspondent rule as well.<sup>83</sup> This meeting and its resolutions emphasized the changes in the power over the Siamese royal court whereby the royal prerogative had been eclipsed by the new leaders' authority.

#### 2.6.2.1 Regulations about the King's Duties

The new leaders also tried to frame the sovereign's duties, beginning about a year after Luang Phibul started his first premiership. During that time, the power of the revolutionary leaders had been secured and strengthened due to the suppression of their political enemies. The government's cultural policies, including measures to deal with the royal family members, had had more certain direction.<sup>84</sup> This was the politico-cultural context in which the regulation for the King's duties was created. Initially, there was no evidence who was its mastermind. There was a dispatch from the Cabinet Secretariat to the Secretary of *Krissadeeka* ordering him to examine how the sovereign in other constitutional monarchies conducted rituals and ceremonies and to propose some suggestions for the Siamese monarch.<sup>85</sup> Practically, the Regent's duties and procedures would be the main target of the proposed regulations because the King would not

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<sup>83</sup> Office of Cabinet Secretariat, (2) SLK 3.22.1/8

<sup>84</sup> Somsak Jeamteerasakul, "A History of Thailand's Present National Anthem," *Thammasart Journal* 27,1 (December 2004): pp. 2-102

<sup>85</sup> Thawee Bunyaket to Deuon Bunnak, 18 March 1940 in Office of Cabinet Secretariat (2) SLK 3.22.1/9

reside in the country for years. In addition, this regulation was initiated by the government without any recognition of the Regent.

The implementation of the regulation was reluctant. Deuon Bunnak, the Secretariat of *Krissadeeka* who was ordered by the Cabinet, delayed for eight months the submission of his tentative report. He lacked sufficient information, so was forced to request the content he wanted from other countries. Due to the beginning of WWII, only the English and Japanese embassies replied to his inquiry.<sup>86</sup> When receiving Deuon's report, Phibul himself did not hasten to authorize it; rather, he just ordered the report forwarded to Prince Wan.<sup>87</sup> The Prince's review was even more sluggish than that of Deuon, however. He received the report in November 1940 and took over a year to consider it. Eventually he submitted his recommendation concerning the report in February 1942. Such reluctance of the leaders, including Prince Wan (who was normally enthusiastic about royal affairs) might be explainable. After Phibul became the Prime Minister, the government almost completely controlled the royal court.

Deuon's report comprised three major points of the regulation of the King's duties, and Prince Wan's comments were not different conceptually. Deuon's first issue concerned the rituals which the King should be invited to attend. According to Deuon, Britain had two sorts of ritual which their sovereign attended: the rituals which obtained national value and the traditional rituals. However, the information from England lacked detail, so Deuon turned to the Japanese pattern as a model. The King would attend three major ceremonies: the military marches, the state's levees, and the graduation ceremonies of the military schools. In the case of the traditional ritual, Deuon left this to the power of the Cabinet to decide. Prince Wan suggested that the first kind of ritual should be called 'rituals of state' (*ratha phithi*), which were regulated by the

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<sup>86</sup> Deuon Bunnak to Cabinet Secretariat, 22 November 1940 in Office of Cabinet Secretariat (2) SLK 3.22.1/9

<sup>87</sup> Handwritten note of the Prime Minister, 28 November 1940 in *Ibid*.



government, and argued that graduation ceremonies at Chulalongkorn University and Thammasart University, were not rituals which the Kings in other countries would generally attend, but that the graduation ceremonies of the military schools (at which the Thai King had always appeared) should be conducted as they always had been.

Deuon's next issue concerned the rituals for which a commoner would preside, to which the King should not be invited (although Deuon's report lacked concrete detail and Prince Wan had no comment). The last issue was the regulation for having an audience with the King, which Deuon divided into two parts: regulations for Thai people and for foreigners. Thai audiences meant only the newly appointed and retiring ministers, the Prime Minister and other ministers reporting official work to the King, and the ambassadors to other nations. The foreign audiences comprised foreign ambassadors and honorable persons from other countries.

After that, the regulation was considered twice before it was formally announced. Firstly, it was reviewed and drafted by the BRH's officials; it was then submitted to the Prime Minister again. Phibul left the matter to the responsibility of Thawi Bunyaket, the Cabinet Secretariat. Thawi passed the draft back again to Prince Wan, and asked the Prince to work with a group composed of Deuon, officials of the BRH and members of the Division of National Culture. Finally, the draft formulated by this group would be approved by the Cabinet and promulgated in April 1943, almost four years after it was initially conceived.

The BRH's draft was almost the same as Prince Wan's. The difference was that the regulation of foreigners' audiences with the Regent was added. In the enacted regulation, there were two kinds of the ritual which the King attended: the royal and the national ceremonies. The royal ceremonies included 11 rituals, most of which were related to Buddhism. There were only three rituals directly relevant to the monarchy: the Chakri Dynasty Memorial Ceremony, the

King's Birthday Ceremony, and King Chulalongkorn Memorial Ceremony. The national ceremonies consisted of the National Ploughing Ceremony, the State Opening of Parliament, and the Constitution Celebration Day. The regulation recommended that these national ceremonies which the King would attend might be amended only by the Cabinet's resolution. To have an audience with the King, Thai people were required to submit their wish to the Royal Private Secretary who would ask for final permission from the Cabinet Secretariat. Foreigners would first notify the Ministry of the Foreign Affairs. If it was a traditional audience, such as one with an ambassador, then the Ministry would contact the Royal Private Secretary. If it was an occasional case, then the Cabinet Secretariat decided whether to approve the request. This rule obviously reflected not only the power of the Cabinet over royal affairs, but the idea of the nation over the King, implemented through the official regulation.<sup>88</sup>

Interestingly, some items did not appear in the regulation. Regarding Prince Wan's questions about the King's attendance at the graduation ceremonies of the universities and the military schools, the Ministry of Defense informed him that there was no tradition of inviting the King to attend the army's ceremonies, according to the BRH's report. In the case of the universities' graduation ceremonies, which King Prajadhipok used to attend, the BRH's official suggested that the Prime Minister or the Minister of Education should be invited rather than the King.<sup>89</sup> This was the reason why there was no rule about the graduation ceremonies in the enacted Regulation. Again, the state ceremony was another area in which the monarch's authority was replaced by that of the new leaders.

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<sup>88</sup> Somsak Jeamteerasakul, "A History of Thailand's National Day from 24 June to 5 December," *Fa Deaw Kan* 2, 3 (April – June 2004): pp. 70-121

<sup>89</sup> Lord Chamberlain to Cabinet Secretariat, 24 December 1942 in (2) SLK 3.22.1/9

## 2.7 The Royal Prerogative Restoration

The constitutional pattern of power pursued for the Siamese royal court did not last long. The most significant reason for this was the political changes in which the leaders modified their standpoints. This resulted in the return to the political arena of the conservative group, by which they could realize their political agendas, including the ending of the constitutional scheme for the management of the royal court. The end of the former status of the royal court (which had been under the government's control), however, did not result from any single event; rather, it was expressed through several circumstances happening between the time of the mysterious death of King Rama VIII and the early 1950s. Changes of interest here include the power to appoint the civil servants in the royal court and the discontinuity of the constitutional orientation of the royal court management during the second premiership of Field Marshal Phibul Songkram.

### 2.7.1 The Authority to Appoint the Royal Servants

After the War, the power to nominate the officials in the royal court had gradually shifted from the government to the palace. Before the establishment of the BRH, the management of royal servant had been in accordance with the 1933 Civil Servant Law which assigned the power to the Minister of the Royal Household, with the requirement that the appointment had to be formally approved by the monarch.<sup>90</sup> Although the royal court at that time was held as an organization under the government's authority (see 2.3 above), such a law preserved some aspects of power for the King. On the date the BRH was established, the government announced another law cancelling such a provision and assigning the power to appoint the royal servants to

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<sup>90</sup> "1933 Civil Servants Regulation Act," *Royal Gazette* 51 (24 April 1934): 43-81

the Prime Minister.<sup>91</sup> Legally, this regulation would be nullified in the 1949 Constitution. However, changes could be occasionally traced after the death of King Ananda.

The most obvious example of such changes might be the Lord Chamberlain (*Lekhathikarn Phrarachawang*) who was the royal court's highest administrator. When the Ministry of the Royal Household was re-established in 1933, one of its subordinate organizations was the Department of the Palace (*Krom Wang*)<sup>92</sup> of which Phraya Charti Dej-udom was the Director. After King Prajadhipok's abdication, the Department of the Palace was merged with the Office of the Permanent Secretary, and there was no document indicating what position Phraya Charti Dej-udom held. During the process of the royal court reform, the Cabinet asked the Council of Regency who should be the Director of the new organization.<sup>93</sup> The Regent suggested Phraya Charti.<sup>94</sup> When the new bureau was named the Bureau of the Royal Household, Phraya Charti was appointed as the Lord Chamberlain and held the position until his retirement in December 1946.

Thawiwong Thawanyasak (*Mom Rajawongse Charlermlarp*) then assumed the position. There was some evidence indicating that the royal court had effectively masterminded him as the new Lord Chamberlain and forced the government to accept the offer. In a meeting in late 1946, Luang Thamrong's Cabinet tried to find a candidate to replace Phraya Charti, while the Regent strongly recommended Thawiwong, who by then was the Director of the Department of Public Welfare. The ministers, especially Prime Minister, were firmly aware of their authority over the appointment: however, the troublesome circumstances after the mysterious death of King Ananda made the Cabinet hesitant. Initially, the government replied the Regent that Thawiwong had no

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<sup>91</sup> "1935 (Revised) Civil Servants Regulation Act," *Royal Gazette* 52 (11 August 1935): 1226-1228

<sup>92</sup> "1934 (2<sup>nd</sup> revised) Ministry Reform Act," *Royal Gazette* 51 (31 March 1935) 140-1442

<sup>93</sup> Record of the Cabinet Meeting, 20/1935, 2 June 1935

<sup>94</sup> Record of the Cabinet Meeting, 21/1935, 5 June 1935

experience in the royal court, and offered Phraya Anurak Rajamonthon the nomination.<sup>95</sup> Nevertheless, the Regent insisted on Thawiwong and the Cabinet did not dare to refuse. As a result, Thawiwong became Lord Chamberlain who was effectively appointed by the royal court rather than the Cabinet, reflecting the transference of the power to control the royal court's servants from the government to the palace.

This change of power became legalized when it was written in the 1949 Constitution which, as known to those studying modern Thai history, includes several provisions favoring the royal prerogative, an example of which concerns the King's authority to appoint the Senators and the Privy Councilors. The latter was the consulting organ for the monarch which was recreated after the 1947 coup d'état and which became a major political figurehead for the royal court. According to the Constitution, the Privy Councilors were appointed by royal command, even though they had some significant authority in the political system such as countersigning the appointment by the King of the Senators. Another example involves the increase in the cultural powers of the monarchy whereby the King was named the Generalissimo of the Thai Army. In addition, some new prerogatives were added, one of which was that the monarch was made immune to any lawsuit. The change in the authority to appoint the royal servants was one of the significant changes in this Constitution. Article 17 stated that the appointments of the servants in the palace court and the Chief of the Royal Guard were under the royal command. The Constitution formally provided this power to the monarch. Thus, the 1949 Charter brought to the royal court some changes such as the status of the Office of the Palace Administration, which although part of the state's budget was administered under the royal prerogative.

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<sup>95</sup> Record of the Cabinet Meeting, 54/1946, 6 December 1946

### 2.7.2 The Discontinuity of the Constitutional Principles in the 1950s

Several regulations restoring royal prerogatives promulgated during the second period of Phibul's premiership indicated the discontinuation of the constitutional principle of governance that the People's Party government had tried to establish. This was due in large part to the disunity of the People's Party. Conflicts between Phibul's and Pridi's factions due to different attitudes toward the advance of the Japanese troops during the beginning of the Pacific War in Thailand brought about the end of the People's Party as a unified political group. Although Pridi's rise to power after the War and the 1946 Constitution paved the way for civilian politics, the mysterious death of King Ananda brought that possibility to an end, since this left Pridi's faction in a disadvantageous position, as indicated by the appointment of the Lord Chamberlain mentioned above. Eventually, the coup d'état on November 8, 1947 returned Thai politics to a state of authoritarianism. In 1948, Phibul again took the position of Prime Minister after being out of power for years due to his leadership during the War. The 1947 coup d'état eliminated Pridi's group from Thai politics, but brought more strength to the royalists, who collaborated with Phibul to remove Pridi's faction from power. Phibul and other coup leaders allowed the conservatives to run the government. However, the Democrat Party had only held its power for four months. Kuang Abhaiwong, the Democrat Prime Minister, was forced to leave his position.<sup>96</sup> According to Thak, Phibul's return was the beginning of an exceptional period in Thai politics, during which there was a government running the country with a House of Representatives, yet the coup leaders were still in power.<sup>97</sup>

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<sup>96</sup> Suthachai Yimprasert, *Plan to Seize the Thai Nation* (Bangkok: 6 Tula Ramluek, 2010), pp. 126 - 127

<sup>97</sup> Thak Chaloemtirana, *Thailand: The Politics of Despotic Paternalism*, Bangkok: Thammasart University Press, 1979

Interestingly, when Phibul again became Prime Minister, he had to restore the regulations regarding the royal affairs, especially during King Bhumibol's time in-country. For example, in 1950, the King travelled back to Thailand to attend or conduct three significant royal rituals: the royal funeral ceremony of King Ananda, the royal coronation, and the royal wedding ceremony. Due to such royal ceremonies, several individuals, including Queen Sirikit, the royal family members, and some commoners were provided with royal insignias, the process of which was accomplished before the government recognized it. A report of the Cabinet meeting at this time implied some clues to changes in royal affairs. "To provide the royal insignias in the constitutional regime, in which a minister must countersign, should have consulted the government first."<sup>98</sup> In addition, during his stay, King Bhumibol had been invited to preside at several public events. The government found that some practices of the King, e.g., replying to foreign telegraphs and giving public speeches without a countersignature, did not conform to constitutional principles, and Phibul made the following demand:

Please get it settled regarding how to make the replying letters to the heads of the states and the King's public speeches constitutional. Previously the Cabinet used to provide such affairs. Is it right that the Royal Secretariat issues the things without informing the Cabinet? Please reconsider this matter with *Krissadeeka* and the Minister of the Foreign Affairs.<sup>99</sup>

The issue later became the subject of a resolution of the Cabinet that all organizations wanting to invite the King to preside at their ceremony had to inform the Cabinet prior to the event and submit a draft of the King's speech to the Cabinet beforehand.

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<sup>98</sup> Topic of the Cabinet Meeting, 20/1950, 24 April 1950

<sup>99</sup> Handwritten note of the Prime Minister (n.d.) on Royal Secretariat to Cabinet Secretariat, 9 May 1950 in Office of the Cabinet Secretariat, (2) SLK 3.22.1/4

The government must be accountable of every public speech of the King, including those telegraphs to foreign heads of states. Therefore, every bureau inviting the King should prepare the invitation earlier and submit a draft of the King's speech to the government. And the telegraphs are applied to the same pattern as well.<sup>100</sup>

When King Bhumibol returned in 1951 to reside permanently in the country, the issues of the constitutional pattern of royal affairs again became important. About a month after the King's return from Europe, the Cabinet approved a report of *Krissadeeka* concerning the official schedules of the royal ceremonies, state ceremonies, and the royal attendance. The report argued that those schedules of the royal attendance recently were issued with the countersignature of the Lord Chamberlain instead of a minister as prescribed by the Constitution. The secretariat of *Krissadeeka*'s report suggested that those schedules should be approved strictly in accordance with the Constitution.<sup>101</sup> After approving the report, the Cabinet ordered all state organizations to implement the report's suggestion as a regulation for royal attendance at any ceremony.

These practical treatments of royal public performances as affairs of state were previously conducted under the control of the government in accordance with constitutional principles of governance, especially in the 1930s when the People's Party was in power. Arguably, there were a few reasons for Phibul's administration's review and restoration of these practices in the 1950s. Firstly, the 1950s was the first time since the abdication of King Prajadhipok that Thailand had an adult monarch permanently residing in the country. Most of the constitutional patterns the People's Party initiated functioned practically the Council of Regency. Thailand, in other words, had had no experience with constitutional monarchy with an adult monarch. Secondly, those individuals who had significant roles in the foundation of

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<sup>100</sup> Topic of the Cabinet Meeting, 24/1950, 15 May 1950

<sup>101</sup> N.A. M.T.0201.2.1.29/38



constitutional control over royal affairs in the 1930s, i.e., Prince Sakol and Prince Wan, did not have advisory positions in Phibul's second administration. In addition, in the 1930s, Phibul himself did not express any particular interest in the royal affairs. The palace court was reformed in accordance with constitutional principles due to the influence of bureaucrats such as Prince Sakol and Prince Wan.

Retrospectively, the uncertainty of the constitutional pattern of royal affairs in the 1950s could be considered as the transformative period between the 1930s during which the People's Party established the revolutionary framework for royal affairs and the dictatorial governance introduced by Field Marshal Sarit Thanarat under which the royal authority was revived.<sup>102</sup> Phibul's administration clashed with royalists who tried to restore the power of the monarchy, but were not themselves certain of the constitutional principles which applied to royal affairs. In other words, the 1950s was the beginning of the end of the constitutional monarchy in Thailand.

## Conclusion

In this chapter, I examined the changes which were made to the Siamese royal court organization after the 1932 Revolution. The Office of the Palace Administration was an adjustment of the royal court which occurred after the 1932 Revolution. Its administration and finance had special characteristics. In this chapter I argue that this change was affected by both political conflicts and principles of constitutional governance. However, in practice, a vital organization in the bureau, the Privy Purse Department, still was held a royal prerogative immune to the parliamentary investigation. Thus, despite the expansion of its authority into most of royal court management, the new leaders did not control one of the most important royal prerogatives.

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<sup>102</sup>Thak Chaloemtirana, *Thailand: The Politics of Despotic Paternalism*, chapter 6

King Prajadhipok's abdication in March 1935 was a watershed in the Siamese politics which illustrated the political weakness of the conservative group. As a result, the new leaders could extend their authority to control the organization of the royal court more completely, beginning with the reduction of royal budgets and ending with major changes to previously-palace-controlled organizations. These changes heralded the end of the royal prerogative in the palace court. Authority over royal affairs was transferred to the government.

The control over the royal court established by the government also had an economic reason. The leaders after the 1932 Revolution, both the aristocrats of the old regime and the revolutionary leaders, agreed that one of the important causes of the country's economic difficulties was the high expenditure of the royal court. Thus, one goal of the reform of the royal court's finances was to reduce the state budget and thereby solve the country's economic problems.

When the BRH was established, the Siamese royal court became an organization under the government's administrative and financial investigation processes just like other state bureaus. The privileges the Office of the Palace Administration had formerly enjoyed were abolished. For a decade after the establishment of the BRH, the Siamese royal court was truly an organization without royal prerogatives.

However, the political situation after World War II was a crucial factor affecting royal court management. In order to overthrow Phibul, Pridi had secretly allied with the royalist camp. Thus, the conservatives came back into politics, but the death of King Ananda caused the conservatives and the army to form a coalition to remove Pridi from the political scene. This conflict brought the royals and royalists power to again manage the royal court and was the beginning of the end of the separation between the monarch and royal affairs.

## **Chapter 3**

### **Crown Property Management**

#### Introduction

In addition to the finances of the royal court, the leaders after the Revolution had to address another significant fiscal affair remaining from the old regime as well: the property of the crown. In the absolute state, Privy Purse Department, established in 1890 as a subordinate organization of the Ministry of Finance, was responsible for two main financial items: the annual budget allocated by the state and the private business investment of the king and some royal family members. In this chapter, I examine development of the management of the second of these, in particular for the period after the 1932 Revolution. Due to the financial and administrative reforms, the crown property management was to exclude the monarch from the power to manipulate the assets of the royal court, which were now held to be the state's properties. To illustrate this process, I investigate the promulgation and results of two laws. Some significant results of the reform will be examined. In a section below, I describe how the principle of accountability was applied to the crown property management. In addition, Thai politics after World War II affected the system of crown property management the People's Party had established. Eventually, the monarch regained the power to control these items due to the enactment of the 1948 Crown Property Law.

#### 3.1 The Beginning of the Separation of the King from the Property of the Crown

Academic papers and political documents both refer to the 1936 Crown Property Law when describing the crown property management after the 1932 Revolution. This is not necessarily strange, because the Law was the first code which imposed rules for managing the

crown property. Moreover, it was the foundation of the 1948 Crown Property Law (despite the significant changes made to the 1936 Crown Property Law in the process of creating the later law) which has been the principal reference for the management of the properties of the crown in Thailand for decades. However, the principle focus of the management of the crown property after 1932 was to separate the King from the power to control the properties of the crown, which began with another law named the 1934 Tax Exemption for Crown Property Law.

The 1934 Tax Exemption for Crown Property Law had its origin in conflicts between the government and King Prajadhipok over the Death Duty Bill. This Bill was initially conceived to improve the country's economic inequality but became a source of the disagreements between the royal camp and the new leaders. The economic situation was one of the emergent problems the Siamese government had encountered after the absolute era. The 1<sup>st</sup> Declaration of the People's Party, published on 24 June 1932 at the start of the Revolution, affirmed clearly that economic prosperity was one of the priorities of the revolution.<sup>1</sup> All ministers of the first Cabinet, composed of both aristocrats of the old regime and the new leaders, seemed to agree that the country's economic problems must be solved immediately. Moreover, they seemed to ascribe the problem to the inequality between Siamese social levels. Thus, the Cabinet asked King Prajadhipok to reduce his annual allocation, and the King permitted this<sup>2</sup>; at the same time, they approved the proposal to enact a Death Duty Law.<sup>3</sup> Surprisingly, Phraya Mano, the conservative Prime Minister, submitted the Bill to Parliament himself.<sup>4</sup>

Although it was widely accepted at the start, the Death Duty Bill's enactment process was very slow. In the first place, the Bill was approved by the first reading in October 1932, then,

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<sup>1</sup> Benjamin A. Batson, *The End of the Absolute Monarchy in Siam*, chapter 8

<sup>2</sup> See chapter 2

<sup>3</sup> Record of the People's Committee Meeting number 31, n.d. (handwritten)

<sup>4</sup> *Minutes of the National Assembly Meeting*, 32/1932, 28 October 1932

Parliament appointed a committee to refine it. However, the committee membership was then shuffled several times. It was not until February 1934 when the Bill was approved by Parliament.<sup>5</sup> After that, to promulgate it as an Act, the Prime Minister had to submit the Bill to the King for his signature. While this process was unfolding Prajadhipok had left Siam for England, so Prince Naris (the Regent) took on the duty of authorizing the Bill. At this point, the Death Duty Bill became a source of conflict over royal power.

Prajadhipok himself questioned the Cabinet via the Regent as to whether the assets under the management of the Privy Purse would be immune to the Death Duty Bill. The Cabinet replied that the Bill had covered the Privy Purse, so its assets would be under the regulation of the law, but the crown property would not be affected by the Bill, except for the heritage items which the King might will to persons other than the next monarch. However, it was not the answer which could satisfy the King. He wanted to have the Bill clearly indicate that the crown property would be immune to the law. Prajadhipok's wish was unconstitutional, because, according to the 1932 Constitution, the monarch could only either authorize the parliamentary approved Bill or refuse it.<sup>6</sup> He had no prerogative to revise or add to the Bill's contents. In the Cabinet's opinion, if they were to concede to the King's needs, an irregular meeting of Parliament would be called, which would affect the King's honors. Thus, the Cabinet appointed Chao Phraya Srithammathibes, the Minister of Finance, and Prince Wan to explain their reasons to the Regent, yet the King was still unsatisfied. The Cabinet then commanded René Guyon, a French legal advisor, to make a report for their case. Guyon explained that legally the monarch did not die so the royal properties were not held as an inheritance; the Death Duty Bill therefore did not cover the crown property. However, King Prajadhipok replied that he remained

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<sup>5</sup> *Minutes of the National Assembly Meeting*, 14/1933 (Regular), 15 February 1934

<sup>6</sup> Article 39 of "Constitution of the Kingdom of Siam," *Royal Gazette* 49(10 December 1932): 529-551

unconvinced unless the sentences he wanted were added to the Bill. The Cabinet had no choice except to call the irregular parliamentary meeting; however, the Speaker of the House suggested that the matter could wait until the House was regularly called again in August 1934.

When Parliament was opened, the main issue of the discussion over the Death Duty Bill was whether the House would approve the King's wish to add some sentences to the Bill. After the debate, in which some MPs were strongly critical of the King, the majority of the House dismissed Prajadhipok's wish. The Cabinet then re-submitted the old version of the Bill to the Regent on 8 August. According to the Constitution, if Parliament approved the same Bill, after 15 days the Cabinet could promulgate it without royal authorization. However, the Cabinet did not really want to do this because doing so would increase tensions between the royal court and the government. On August 24, after the 15 days had passed, the government agreed to draft another Bill indicated clearly that the crown property was tax immune.<sup>7</sup> When word of this condition was sent to Prajadhipok via international telegram, the King allowed the Regent to approve the Death Duty Bill. After that, the drafting of the new Bill began in October 1934; however, it was submitted to Parliament after King Prajadhipok abdicated.

The main objective of the new Bill was to exempt properties of the crown from taxation, thus its principal content was to define and differentiate the meanings of the private properties of the King and properties of the crown. Initially, the drafting committee appointed by the Cabinet intended to hold exempt only for real estate held by the crown, as the Bill's first name was the 'Personal Real Estate of the King Bill'. When the Bill was submitted to Parliament, an MP asked why it covered only real estate. Phraya Manawaratchasevi, the then-Minister of Finance who was one of the committee members, replied that there was no tradition in any

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<sup>7</sup> Record of the Cabinet Meeting, 45/1934, 24 August 1934

country of taxing chattels of its own monarch, so it was not necessary to include this in the law. The Bill was composed of two main parts. The first part defined the King's personal real estate: those immovable properties the monarch could dispose of before his enthronement, those which the King received from any person but the monarchs of the Kingdom of Siam, and those which he bought with his own money. These definitions would be the model for the first Crown Property Law and the management of the crown property for more than a decade. The second part of the Bill defined the amount of tax. The Bill indicated that the private real estate of the monarch should be taxed just as those of general individuals, and the tax had to be paid with the personal money of the King. However, these immovable properties of the monarch were excluded from death duty taxation.<sup>8</sup> This was the first time after the 1932 Revolution there would be a law intended to collect taxes from the King. The Bill's content did not exactly conform to what King Prajadhipok and the Prime Minister had agreed on, however. The King wanted to have the Death Duty Law contain a sentence indicating that the properties of the crown would be exempt from any taxation. Moreover, although government memoranda and letters often referred to it as "The Tax Exemption of the Real Estate of the Crown,"<sup>9</sup> the first draft of the Bill determined only how to tax the private immovable properties of the King.

The Cabinet edited the Bill before submitting it to Parliament, revising its title to align better with the original intention of defining "The Tax Exemption for the Real Estate of the Crown". The content about the taxation of the private properties of the monarch was replaced with new text clearly indicating that the real estates of the crown were immune from taxation.<sup>10</sup>

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<sup>8</sup> Minister of Finance to Prime Minister, 28 February 1935 in Office of the Cabinet Secretariat, SLK 3.22.9/1

<sup>9</sup> For examples, Prime Minister to King Prajadhipok, 24 August 1934, and Cabinet Secretariat to Chairman of the Drafting Committee of the Tax Exemption for Crown Property Bill, 22 October 1934 in Office of the Cabinet Secretariat, SLK 3.22.9/1

<sup>10</sup> Record of Cabinet Meeting, 67/1934, 1 March 1935

Thus, the Bill approved by the Cabinet included the definition of the private real estates of the monarch and the provision to exempt the crown's immovable properties from taxation. In addition, the Cabinet deleted the sentence defining the annual allocation the state provided for the monarch as one of his private monies. This proviso would be brought back in the 1948 Crown Property Law.

The Bill which was approved by the Cabinet, however, still contained some legal and practical problems. The chattels of the crown were not exempt from taxation, as an MP argued in Parliament that when the succession took place, the royal regalia would be taxed as well.<sup>11</sup> The Minister of Finance conceded this argument and replied that, if the majority of the MPs wanted the chattels of the crown exempted, the Bill would be revised in the second reading to cover this. Unfortunately, there was no evidence of relevant discussion in the second reading.<sup>12</sup> When the Bill was submitted to the House again, its content already covered crown property of all kinds. The Bill approved by Parliament defined the personal properties of the King as follow: 1) the properties or rights the monarch acquired before his enthronement, 2) properties the monarch received from persons who were not the previous sovereign, and 3) properties or rights the monarch bought with his personal funds. Other assets were held as properties of the Crown and therefore immune from taxation.<sup>13</sup> The enforcement of this Law would be the foundation of management of the crown property for two years after King Prajadhipok abdicated.

### 3.2 The Crown Property Categorization Committee

As stated previously, the separation between the private properties of the King and properties of the state during the absolute regime was obscure. Such a separation was more

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<sup>11</sup> *Minutes of the National Assembly Meeting*, 39/1934 (Regular) 12 March 1935

<sup>12</sup> Source only informed that the parliamentary committee was composed of Chao Phraya Woraphong, Prince Wan, Luang Woranitipreecha, Phraya Thephassadin, Mr. Nate Phunwiwat, Khun Worasit, and Phra Phinitthanakorn.

<sup>13</sup> "The Tax Exemption for Crown Property Act, B.E.2477" *Royal Gazette* 52, 21 April 1935, pp. 79-81.



precise after the 1932 Revolution due to the existence of the 1934 Tax Exemption for Crown Property Law.

Since the most important part of the 1934 law was the exemption of crown property from any tax, separating the crown property from the private property of the King became the first priority. After the Tax Exemption for Crown Property Act was promulgated in March 1935, the Cabinet appointed a group of bureaucrats to form the Crown Property Categorization Committee (CPCC), which would perform significant roles in identifying crown property after the abdication of King Prajadhipok. The committee included those who had experience both in financial and royal affairs; specific members of the CPCC included Phraya Nitisatphaisal (former Chairman of the Fiscal Committee of the House), Phraya Chaiyossombat (Director of the Department of Comptroller), Chao Phraya Sriphiphat (Director of the Privy Purse), and Prince Wan, who served as principal advisor for the Bhahol administration.<sup>14</sup> The Cabinet provided the committee authority to access every account in the responsibility of the Ministry of the Royal Household. Initially, the Regent wanted the Minister of the Royal Household to provide only those accounts directly concerning the crown property to the Committee, and to require their approval before submitting other documents.<sup>15</sup> However, when the committee informed the Cabinet that their duties also involved other kinds of properties, the Cabinet extended its power to include the ability to investigate all properties in the Ministry of the Royal Household.<sup>16</sup> Thus, within the three months after Prajadhipok's abdication the government increased the power of its committee over all accounts of the Ministry of the Royal Household.

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<sup>14</sup> Record of Cabinet Meeting, 1/1935, April 3, 1935

<sup>15</sup> Royal Private Secretary to Minister of the Royal Household, 20 April 1935 in N.A. (3) SR 0201.65.1/1

<sup>16</sup> Record of Cabinet Meeting, 16/1935, May 24, 1935

However, although the committee now had the ability to examine all properties controlled by the Ministry of the Royal Household, the power to decide whether the considering property was crown property was not within its authority. Rather, the committee's main duty was to submit its opinion concerning the crown property to the Cabinet, which had the real power to decide. This process reflected the change in the control of the crown property from the monarch to the Cabinet. Practically, because there were a large number of properties under its investigation, the committee's approach was to wait for any royal asking to withdraw their assets from the Privy Purse, at which point the investigation process began: the committee examined the property then made a recommendation to the Cabinet concerning the property's status, after which the Cabinet made the final decision. Due to the complexity of this process, the committee was required to include within its scope a large number of properties. The accounts which King Prajadhipok claimed as his personal properties were significant and interesting examples.

The examination of the properties King Prajadhipok held as his personal assets led to the decision by which some significant properties became properties of the crown. After his abdication, Prajadhipok's first legal representative in Siam was Prince Anuwat-chaturon, the President of the Council of Regency. Prince Anuwat committed suicide in August 1935, after which the former king appointed Prince Upaleesan Jumbala. Prince Upaleesan Jumbala (1899 – 1974) was born to Prince Jumbala Somphoch (*krom luang* Sapphasitthiprasong), a son of King Monkut, and *mom* Chiengkham. Prince Upaleesan began his studies in Vajiravuth School, and worked for the Ministry of the Royal Household after finishing secondary education. After the First World War he left Siam for England to study history and law at Cambridge University. Upaleesan graduated in 1926 and returned to Siam to again work for the Ministry. The Prince

resigned his position due to King Prajadhipok's abdication in 1935. He was later appointed by King Bhumibol in 1958 to be the manager of his personal assets.<sup>17</sup>

Prince Upaleesan would perform significant roles in negotiation with the government regarding the separation of the private properties of Prajadhipok from the crown's properties. After his appointment in 1935, Prince Upaleesan submitted a document claiming that some properties in the Privy Purse were the former king's personal assets, which led to an investigation of the Privy Purse accounts.

According to the committee's report, the property of the crown, which included cash, lands, buildings, stocks, and mortgages, were sorted into two accounts in May 1932 by King Prajadhipok's order. 'The Privy Purse's account number 1' contained assets of the crown, including the benefits which would later be accrued to the Privy Purse. 'The Privy Purse account number 2' comprised the budget annually provided for the monarch and 20% of the 'account number 1.' The budget in the second account was for the King's personal use. This was the account which Prince Upaleesan claimed as the private property of King Prajadhipok.

To decide the status of this account, the CPCC asked *Krissadeeka* for its legal recommendation. The secretariat of *Krissadeeka* argued that the monarch could arbitrarily manage the crown property in the same way as his personal assets, because at that time there was no specific regulation for the management of crown property.<sup>18</sup> This interpretation led to the suggestion that the monies in the Privy Purse account number 2 were private assets of the former king not the property of the crown. If this suggestion had been approved, the government would have given the account to Prajadhipok as he requested. However, *Krissadeeka* also indicated that

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<sup>17</sup> *Principles of Buddhism in Twelve Collections of Phra Sutr* (Prince Upaleesan Jumbala's Funeral Book), 21 November 1974

<sup>18</sup> Secretariat of *Krissadeeka* to Cabinet Secretariat, 13 June 1936, in Office of the Cabinet Secretariat, SLK 3.22.9/1

Prajadhipok's separation of the asset into two accounts did not have any legal force because it was done by the King only for his convenience. Using only this latter interpretation in its recommendation, the CPCC argued that these funds were less private assets of King Prajadhipok than the budget he received from the state and that the account therefore should be held as a property of the crown.<sup>19</sup> This recommendation was later approved by the Cabinet.<sup>20</sup>

This example reveals some points of interest. First, suggestions of *Krissadeeka* were generally not decisive; rather, the CPCC would treat them as legal references for their decision. The real power belonged to the Cabinet. However, this case was part of the small minority of incidences where the committee's decisions went against *Krissadeeka*'s recommendation. Second, *Krissadeeka*'s suggestion that there was no regulation for management of the crown property may have caused the new leaders to realize that it was necessary to have a new law for crown property management. Finally, the CPCC also recommended that Klai Kangwon Palace, a royal residence located in Prachuap Khiri Khan Province, was a crown property rather than Prajadhipok's personal asset. This decision would lead to conflict between the government and Prajadhipok to the point where the government considered suing Prajadhipok, the details of which will be described below.

### 3.3 Under the Tax Exemption Act

For the two years between Prajadhipok's abdication and the enactment of the first Crown Property Law in 1937, the properties of the crown were managed in accordance with the 1934 Tax Exemption for Crown Property Act, under which the Cabinet controlled crown property. The government also controlled the royal court through its establishment of the BRH.

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<sup>19</sup> Chairman of the CPCC to Cabinet Secretariat, 15 August 1936 in N.A. (3) SR 0201.65.1/5

<sup>20</sup> Record of the Cabinet Meeting, 30/1936, 17 August 1936

Thus, the People's Party had extended their power over the royal court's administration and finances. However, there were some managerial problems. The management of the crown property under the Tax Exemption for Crown Property Act encountered some difficulties, i.e., the legal status of the Privy Purse, the expenses of the royal residences held as crown properties, and lastly, the taxation of the crown's property.

The legal status of the Privy Purse was one of the difficult situations the government tried to resolve after the promulgation of the Tax Exemption for Crown Property Act. The Cabinet was informed that the Privy Purse's bureaucratic status (degraded from Department to Bureau) affected its legal transactions. In early September 1935, the Civil Court dismissed a case in which the Privy Purse was the defendant. The plaintiff was ordered to pay the Court charges and the attorney fees. However, when Privy Purse officials tried to claim those monies, the Civil Court ruled that the bureau was not entitled to the monies because it was not a person in the legal sense. Moreover, according to the Court's judgement, the Privy Purse could not pursue any legal transaction without the approval of the Prime Minister. The Cabinet asked *Krissadeeka* to determine whether the Lord Chamberlain could approve the legal documents of the Privy Purse.<sup>21</sup> While *Krissadeeka* was considering this, the Cabinet passed a temporary resolution authorizing the minister commanding the BRH to approve the Privy Purse's documents.<sup>22</sup> The suggestion of *Krissadeeka* was that the best way to resolve the problem was to promote the Privy Purse to become a legal entity once again, so that it could conduct its own legal transactions. However, at that time, the government was engaged in separating the private property of the King and other royals from the crown property; thus Prince Wan warned that to have the Privy Purse become a legal entity might endanger this process. The Cabinet agreed with the Prince, and decided to

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<sup>21</sup> Record of the Cabinet Meeting, 62/1935, 9 September 1935

<sup>22</sup> Record of the Cabinet Meeting, 68/1935, 25 September 1935

maintain the Privy Purse's status as it was. The Prime Minister was required to approve the bureau's documents or authorize the Lord Chamberlain to do so (using a case by case approach). As stated previously, the non-legal entity status of the Privy Purse meant that the bureau could not conduct on its own any business transactions and this was a significant turning point in the history of this royal organization. The Privy Purse, which used to be the main organ controlling the business of the royal family in the old regime, was legally defunct due to the reform of the royal court and finance after the 1932 Revolution.

The royal court suggested upgrading the Privy Purse's status to be a legal entity. Phraya Manawaratchasevi, who had been appointed to be the acting Director of the Privy Purse Bureau (PPB)<sup>23</sup> and the Regent agreed that there was some discord between the BRH and the Privy Purse and suggested that the Privy Purse should be legally promoted. In a Cabinet meeting, Prince Wan disagreed with that suggestion. He argued that to change the status of the Privy Purse required the promulgation of another Law, which needed the approval of the House. The Prince also mentioned the ongoing separation of the personal property of the King and the crown property. He said that when such a process was finished the government should create a law for the use of the crown property. Prince Wan said that the government could choose either the Privy Purse or the Ministry of Finance to manage crown property, a point which would significantly affect the management of the crown property for decades. The Cabinet decided to choose the latter option, thus there was no need to promote the Privy Purse again.<sup>24</sup> About a year later (under the Tax Exemption for Crown Property Act), the Cabinet became aware that the management of the crown property needed a specific law. This would push the government a step forward.

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<sup>23</sup> Record of Cabinet Meeting, 95/1935, 13 December 1935

<sup>24</sup> Record of Cabinet Meeting, 122/1935, 19 February 1936

The expense of the palaces, such as Klai Kangwon palace, which were held as public assets became a financial problem the government had to resolve. In September 1936, the Cabinet decided that this royal residence was one of the properties of the crown and tried to force Prince Upaleesan (at the time, the proxy for King Prajadhipok) to move out of the Palace, but the BRH had prepared in its budget for the cost of the palace's maintenance for the rest of that year. There was a question raised in a Cabinet meeting concerning the methods by which other constitutional monarchies managed such a case. Prince Wan clarified that in principle the properties involving the crown would be divided into three groups as follows: the state's assets, the crown properties, and the personal properties of the monarch. One example of the first group was the Grand Palace, which was maintained by the state. Prince Wan claimed that Klai Kangwon palace's maintenance must be financed under the crown's budget because it was a property of the crown. The Prince also informed the Cabinet that to separate those properties into three groups as he said was one of the principal contents of a bill then being drafted.<sup>25</sup> This bill would become the first crown property law enacted the following year.

Another question concerning the crown property law was how to tax the crown property. According to the Tax Exemption for Crown Property Law, all crown property was tax-immune. Nevertheless, in January 1937, the Council of Regency informed the Cabinet that they were worried by the tax exemption of the crown property because it could cause the monarchy to appear to be at fault for fiscal mismanagement. The Regent asked the government to consider whether there were some kinds of crown property which could be taxed.<sup>26</sup> Later, the Minister of Finance reported that according to Sir E. Cook, a former British financial advisor to Siam, the British monarchs were tax-immune because taxation had been pursued in the name of the King.

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<sup>25</sup> Record of Cabinet Meeting, 43/1936, 23 September 1936

<sup>26</sup> Record of Cabinet Meeting, 68/1936, 6 January 1937

However, the Minister of Finance suggested that in practice the King might allow the state to tax him on a case by case basis. Prince Wan suggested that the issue needed a new law for managing the crown property. Thus, the Cabinet assigned the CPCC to draft a law for the management of crown property, which, the Cabinet specified, should be done in accordance with the British model.<sup>27</sup>

It took about a month until the CPCC submitted the first draft of the Bill to the Cabinet meeting. The draft delegated responsibility for crown property to the Ministry of Finance.<sup>28</sup> However, the royal court members, especially Queen Savang Vadhana, were worried that such a determination would transform crown property into a state asset. The Council of Regency then asked the Prime Minister to share the responsibility with the Minister of Finance. The Cabinet disagreed with the Regent because the management of the crown property required specific knowledge in fiscal affairs which might make the responsibility more suited to the Minister of Finance. During the debate, Pridi, by the time the Minister of Foreign Affairs, suggested that a committee should be appointed to be responsible for the crown property. The Cabinet agreed with Pridi.

#### 3.4 Content of the 1936 Crown Property Law and Its Enactment

The first Crown Property Law was composed in four parts. The first part concerned the definitions and categories of properties concerning the crown. The new Act was different from the Tax Exemption for Crown Property Law in that it categorized properties of the crown into three groups, where the third (new) group was the properties of state, defined as the properties of

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<sup>27</sup> Record of Cabinet Meeting, 80/1936, 26 February 1937

<sup>28</sup> Record of Cabinet Meeting, 87/1936, 22 March 1937



the monarchy used for state affairs, such as palaces. The other two groups - the personal properties of the King and the property of the crown – retained their previous definitions.

The most significant part of the law was the determination of organizational responsibilities. The new law recognized two bureaus: the BRH and the Ministry of Finance. The first of these would be responsible for the private properties of the King, the properties of the state, and the consumable properties. The second was designated to manage the properties of the crown especially those involving business investments. This was a very important turning point in the history of the management of crown property in Thailand, in which the post-Revolution leaders expanded their power by enacting a law to control one of the most valuable royal assets. This determination also had another important implication. After the establishment of the BRH in August 1935, the Prime Minister became its commander. Thus, placing the personal properties of the King under the BRH implied that in practice the Premier could control the King's private assets. When the Bill was submitted to Parliament, an MP asked about the correctness of this determination, but there was no answer from the government.<sup>29</sup>

The next part of the law was the determination of the expenditure of the net income from the crown property. According to the law, this income would be submitted to the King and would be used only for royal affairs, but not for the monarch's personal expenditures. During that time, the Regent controlled the net profits of the crown property, since King Ananda was still young and did not reside in Siam.

The final component of the Crown Property Law concerned the taxation of crown properties. The private properties of the King were not exempt from taxation, but the other two

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<sup>29</sup> *Minutes of the National Assembly Meeting 21/1936 (second irregular term), 29 March 1937*

categories of crown property were, which implied that the personal affairs of the monarch would be treated in the same way as ordinary people in the country.

Most of the MPs who discussed in the House of Representatives tried to delay the promulgating session of the Bill to the next term of the parliamentary meeting. They argued that the Bill, which directly involved royal affairs, was too important to be considered in a short period of time. However, a majority of the MPs voted in favor of the government. After that, Parliament appointed a committee to amend the Bill within a day and approved it in only two days after the first reading.

After the parliamentary approval, the Bill was to be authorized by the Council of Regency and to be published in the *Royal Gazette*. Such processes, however, were not as urgent as the Cabinet had implied when introducing the Bill in the House. According to the Bill, the properties which had been controlled by the BRH were to be transferred to the Ministry of Finance; the government waited for the completion of this process before publishing the Law.<sup>30</sup> However, the Minister of Finance suggested that the enactment could be done before the transfer was complete; thus, the Cabinet prepared to enact the Law.<sup>31</sup> By June 16, 1937 (or more than two months after Parliament had approved the Bill), the Cabinet had approved lists of candidates for the Crown Property Advisory Committee and the Regent had already signed the Bill. However, the royal court asked the Cabinet to delay the Law's publication because the BRH had not yet settled the relocation of the properties with the Ministry of Finance.<sup>32</sup>

The discussion between the BRH and the Ministry revealed why the Law's publication was so delayed. Phraya Chaiyosombat, the Minister of Finance, reported to the Cabinet in early

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<sup>30</sup> Record of the Cabinet Meeting, 3/1937, 5 May 1937

<sup>31</sup> Record of the Cabinet Meeting, 4/1937, 12 May 1937

<sup>32</sup> Record of the Cabinet Meeting, 10/1937, 16 June 1937

July that at that time the Privy Purse Bureau controlled 122 property accounts, including 9 accounts deemed to be crown properties, 84 private asset accounts, and 29 indeterminate accounts. The Cabinet decided to delay the publication of the Crown Property Law until the designation of those 29 accounts was concluded.<sup>33</sup> After that, the account investigation was complete. The CPCC reported that among the 122 accounts, there were 28 crown property accounts and 94 personal accounts.<sup>34</sup> The first Crown Property Law was eventually published in the *Royal Gazette* on July 19, 1937.<sup>35</sup>

The enactment of the 1936 Crown Property Act affected the management of the property of the crown and the private property of the monarch. The first two Constitutions excluded the monarch from state affairs by determining that every royal public appearance had to be approved by a minister. However, there was no direct regulation of the royal property. The Tax Exemption Act separated the private property of the King from the crown property but also did not determine how to manage those properties. The 1936 Act for the first time determined the pattern of authority over crown property. This was a very new approach for Siam, since, with the BRH under the Prime Minister's control, the law implied that even the private assets of the sovereign were under the government's authority.

### 3.5 The Scandal of the Privy Purse

Of all the accusations leveled at the People's Party over crown property management, the sale of the Privy Purse's land in 1937 was well known and written about especially by the royalists. From their perspective, this case showed the abuse of power which could result when

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<sup>33</sup> Record of the Cabinet Meeting, 14/1937, 2 July 1937

<sup>34</sup> Record of the Cabinet, 18/1937, 12 July 1937

<sup>35</sup> "The Crown Property Act, B.E. 2479," *Royal Gazette* 54, 19 July 1937, pp. 778-781 Due to the lunar calendar, of which the last month of a year was March, the first Crown Property Law has been held published in 1936.

the royal affairs became controlled by the new leaders.<sup>36</sup> However, I argue that the scandal of the sale of the Privy Purse's land was an example of the management of the crown property when who had power over public affairs were required to be accountable for their power.

The separation of the monarch from the power to manage the crown property, concretely illustrated through the promulgation of the Crown Property Law in 1937, resulted in not only the removal of royal prerogatives, but also the establishment of accountability for the crown properties. This relationship between power and accountability was obviously different from the old regime, when the monarch ruled the country without having to be responsible to the people. Before the 1932 Revolution, kings exercised power without accountability.

The management of the Privy Purse reflected this pattern of power. In addition to its juxtaposed position between the private enterprise of the monarch and state affairs, the operations of the Privy Purse, especially those of the King, could not be investigated or criticized, and its undertakings could not be convicted for conducting its operations. A study of the investments of the Privy Purse under the absolute regime indicated that King Vajiravuth's personal spending was the principal factor behind the loss of the crown's investments during his reign. His successor, King Prajadhipok, had to provide the state with funds to settle the Privy Purse's debts. Chollada suggests that King Rama VI's private expenses led to the decline of the properties held by the Privy Purse, which is confirmed by empirical evidence indicating that the Privy Purse's financial status was in the red only four years after Vajiravuth ascended the throne. According to the Director of the Privy Purse's report, in October 1910 when King Chulalongkorn passed away,

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<sup>36</sup> Prince Supphasawat Sawatdiwat, *100 Years of Supphasawat: 23 August 2000* (Bangkok: Amarin Printing and Publishing, 2000), p. 114, and Supoj Jangrew, "The Case of Confiscation of King Prajadhipok's Properties," *Silpa Wattanatham* 23, 8(June 2005): 72

the organization's resources amounted to 8.9 million baht.<sup>37</sup> However, during the first four years of Rama VI's reign, the Privy Purse spent more than 26 million baht but had an income of only approximately 18 million baht, insufficient compared to its expenditures, forcing its administrator to draw money from savings instead. In October 1914, the amount of savings remaining to the Privy Purse was only 14,000 baht. In addition, the Director of the Privy Purse indicated that King Vajiravuth had ordered to pay some additional expenses (more than 4.8 million baht) in advance. Thus, at that time the Privy Purse was in debt by approximately 4.7 million baht.

Chollada indicates that the main reason for the less-profitable performance of the business investments of the Privy Purse was the private spending of King Vajiravudh. Chollada categorizes this expenditure into three groups. The first of these was visits to several areas in the country, which reportedly exceeded the allocated budget in every year and caused the Privy Purse to be indebted to the Ministry of Interior until the end of the Sixth Reign.<sup>38</sup> The second was the *Sue Pa* affair (Wild Tiger Corps), the para-military unit created by the King and abolished when his reign ended. As it was one of the King's private affairs, *Sue Pa* also wasted the Privy Purse's capital. The last category was the money King Vajiravudh provided for his intimate servants. According to Chollada, King Rama VI built residences for his servants and gave them a large amount of money; for example, more than 20 aristocrats received an annual allowance from the Privy Purse by the King's order, increasing the organization's expenses by more than 100,000 baht a year.<sup>39</sup> The Ministry of Finance, whose main duty was to manage the state's budget, was required to resolve the Privy Purse's debts, which caused conflicts between the King and his Minister. King Vajiravudh asked the Minister to loan him 3 million baht for settling the debts of

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<sup>37</sup> Director of the Privy Purse to King Rama VI, 12 October 1914 in N.A. R.6 K12.3/6

<sup>38</sup> N.A. R.7 K19/7

<sup>39</sup> Chollada Wattanasiri, "Investment of the Privy Purse, 1890-1932," pp. 214-216

the Privy Purse, in addition to the 3 million baht already provided by the Ministry to resolve the Privy Purse's debts. However, Prince Chanthaburi, the Minister of Finance, resigned because he strongly disagreed with the King.<sup>40</sup>

The failure of the management of the Privy Purse in the Sixth Reign reflected the pattern of the exercise of power in the absolute regime. Although mistakes led to the Privy Purse's enormous debt and also affected the state's budget, the King, as its direct commander, could not be publicly criticized or investigated, let alone be convicted of any misdoing, a pattern which was obviously different under the constitutional regime.

The 1937 sale of the Privy Purse's land is a good example of the constitutional pattern of the power. Lieng Chaiyakan, an MP from Ubonratchathani Province, set off an investigation by submitting a question to the House Speaker about the sale on July 20; just one day after the Crown Property Act was formally published in the *Royal Gazette*. His question was comprised of two main parts: 1) his claim that many of those involved in the land sale between July 1<sup>st</sup> and July 20<sup>th</sup> were government officials intimately involved with the 1932 Revolution's Promoters (*Phu Ko Kan*), including ministers such as Phraya Rit Akkhanae, Wilas O-sathanond, Khun Nirandornchai, Phra Dulayatharn, and those who were in the royal court circle, such as Lieutenant Wan Ruyapon, and Khun Likhitsurakarn; and, 2) his allegation that the price of the lands sold was too low, possibly due to a conspiracy between the Privy Purse and the buyers. He included in his question a list of every transaction, including the buyers' names, size of every piece of land, locations, and prices.<sup>41</sup>

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<sup>40</sup> *Ibid.*, p.218

<sup>41</sup> (copy) Question number 113/1937, 20 July 1937, attached in Record of the Cabinet Meeting, 23/1937, 26 July 1937

Although the sale was a scandal seemingly in urgent need of resolution, it was not until a week later the ministers considered the case in a meeting. The Cabinet reviewed Lieng's question and addressed three specific points. In the first point, the Cabinet attempted to explain why the sale of the Privy Purse's land had become a scandal. Phra Dulayatharn, the commander of the BRH, was one of those accused by Lieng; he stated his belief that it was Phraya Surakaset who tried to discredit the government because his offer to buy a piece of land from the Privy Purse was denied. Interestingly, Phraya Bhahol, the Prime Minister, believed this explanation. He even claimed that 'In my opinion, it was because Mr. Lieng was a relative of Phraya Surakaset. When the latter could not buy the land, he got jealous.'<sup>42</sup> Second, the Cabinet considered what to do about the lands bought by ministers and some high-rank civil servants. On the one hand, Phraya Rit Akkhanae, one of the ministers who were accused by Lieng, claimed that he had bought the land properly and correctly. However, as he was one of the 1932 Promoters, he stated that he would return the land to prove his innocence and maintain the reputation of the Promoters. However, other ministers disagreed with Phraya Rit, arguing that the return of the land damaged the Promoters' reputation still more since this would imply that the sale was conducted improperly. Third, the ministers considered how to answer Lieng's question in Parliament. Khun Samahan Hitakhadi, the Deputy Minister of Finance suggested that the Prime Minister should respond by making reference to royal prerogative, since at the time of the sale, the Crown Property Act had not yet been promulgated; thus, the management of those lands should be held as a royal power. Further, because the King was still young, any power to conduct royal affairs was legitimately in the hands of the Council of Regency. Thus, the sale was not illegal. Prince Wan was responsible for drafting a document for the Prime Minister's reply

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<sup>42</sup> Record of the Cabinet Meeting, 23/1937, July 26, 1937

denying Lieng's accusation in the House. However, the Prince suggested that appointing a committee to investigate the sale was the best way to address the problem, and that only MPs should be committee members to ensure transparency. Initially, the Cabinet approved Prince Wan's draft.

Unfortunately, the Deputy Minister of Finance's suggestion was problematic in principle; the Prime Minister's reply in Parliament using the suggestion, which was terse, ambiguous and did not clarify individual points, did not satisfy the MPs since it contradicted the constitutional principle of governance. Instead, the reply essentially refused to answer Lieng's question. Lieng claimed that the normal time required to survey land was more than a month, yet the Privy Purse's lands were surveyed within two days. Phraya Bhahol replied that it was the internal affair of the Department of Lands. To the part of Lieng's question which listed transactions occurring during the 20 days before the enforcement of the Crown Property Law, for example, Phraya Bhahol only replied that "some [lands] were really transferred during that time, but some others were not."<sup>43</sup> To the part of the question concerning the low price of the sale, the Prime Minister claimed that all sales were pursued under the royal prerogatives. When Lieng repeated his question and asked about the suitability of that method, Phraya Bhahol responded:

If one has already gained the royal mercy, then one actually doesn't need to pay. I think it's not illegal. ... [If] we would like to get the royal permission, then we asked the monarch. Whether it was approved depended on the royal decision and the Regent. The Regent

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<sup>43</sup> *Minutes of the National Assembly*, 12/1937 (Regular), 27 July 1937



has not been appointed to be only a figurehead; rather, the position had a duty to consider every affair in the name of the King.<sup>44</sup>

To argue that the sale of the Privy Purse's land before the promulgation of the Crown Property Law was proper implied that the royal court during that time had the legitimate power to manage its properties, which did not conform to the constitutional principle holding that all enterprises of the royal court were state affairs under the control and accountability of the ministers. By making this response, the government was (perhaps unwittingly) using arguments from the absolutist regime to legitimize their action, and, although he said in the last question that he personally believed that the Prime Minister had nothing to do with the scandal, by mentioning ministers in his question, Lieng obviously wanted the Cabinet to take responsibility.

Lieng's question led to a general discussion in the House. At first, the argument between Lieng and the Prime Minister concerned the suitability of the land sale. Lieng questioned other aspects of the sale in which the Privy Purse had lost benefits, e.g., Phra Dulayatharn, who bought a piece of land from the Privy Purse for 14,000 baht and spent 100 baht per month on the land but received 150 baht rent per month from the land, for a net profit of 50 baht. However, the Prime Minister still claimed that the price of the land was at the Regent's discretion. After that, the House began a general discussion of the appropriateness of the selling price. Tai Panikabutr, a Bangkok MP, who required the House to open such a session, started the discussion. He noted that when the King was young and not residing in the country, the Regent should not have had the power to provide the royal mercy.

This discussion also touched on the delay in the promulgation of the Crown Property Act. Several MPs questioned the delay, since nearly all of the problematic transactions happened

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<sup>44</sup> *Ibid.*

between parliamentary approval and the promulgation of the law. The government's replies did not satisfy the MPs. The Prime Minister still maintained that to sell the land by royal mercy was not wrong. Luang Thamrong, the Minister of the Interior, argued that the sale was really legal, but it might be morally unsuitable depending on each person's perspective. He also explained the delay in promulgation was due to many important required adjustments before implementing the law, such as the transfer of many assets of the crown from the Privy Purse to the Ministry of Finance. However, this explanation did not persuade the MPs. Most of them agreed that the House should appoint a committee to investigate the sale or else pursue a vote of no confidence. Nonetheless, before a vote was taken on which alternative the House would choose, the session (which had run for hours) closed. The Speaker assigned the discussion to continue next day.

An importance of this discussion was that the MPs criticized not only the government and the civil servants responsible for the royal court's properties, but also the Council of Regency, especially Prince Aditya, the Council's President. Although not a direct critique of the monarch, the discussion was the first time a representative of the Head of State was outspokenly investigated through a parliamentary process. In his second and third questions, Lieng attacked the Prince directly. According to his information, Prince Aditya sold a piece of land to the Privy Purse. The land was of a poorer quality than other areas, yet the Prince earned 90,000 baht. Thus, the transaction was obviously abnormal, Lieng argued. He also satirically questioned that "who did authorize this deal? Did that person consider if it was morally and legally trustworthy?"<sup>45</sup> The ministers and the MPs did know well the person to whom Mr. Lieng was referring. He repeated this point several times in his discussion.

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<sup>45</sup> *Minutes of the National Assembly*, 12/1937 (Regular), 27 July 1937

In addition to the direct critique of the Regency President, the MPs criticized the process in which Prince Aditya was a significant participant. The ministers tried to explain that the sale was pursued under the royal prerogative which was decided by the Council of Regency, so the price of the land was not illegal no matter how low it was. Thong-in Phuriphat, an MP from Ubolratchathani, contended that the sale of land by the process described was of the absolute state which should have been not followed under the constitutional regime. The management of the properties of the crown in a constitutional monarchy should be pursued in accordance with the law, Thong-in argued. Thong-in's discussion implicitly criticized the royal prerogative exercised by the Regent which resulted in the abnormal transactions. Thus, this discussion was not only about the person who exercised the power of the Head of State, but also the process by which the position performed its duties.

A day later, the Cabinet held a meeting before the House met again in the afternoon. The Prime Minister and all ministers decided to resign. All Regents determined to resign as well. Before the Cabinet reached agreement, Phraya Chaiyossombat, the Minister of Finance, sourly mentioned the scandal of the Privy Purse. He said he himself had already examined the events and concluded that the delay in the promulgation of the Crown Property Act was for the benefits of those involved in the transactions. According to the Minister, prices of lands were lower than the prices initially proposed by officials; thus, the sale did really benefit the buyers. Phraya Chaiyossombat told the Cabinet that he wanted to resign.<sup>46</sup> The Minister of Finance's information corroborated Lieng's accusation. Phraya Bhahol said that he himself was responsible for the BRH's affairs as he was its highest commander. He wanted to resign as well, so that an investigation committee would be appointed. Luang Phibul Songkram, whose name also

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<sup>46</sup> Record of the Cabinet Meeting, 27/1937, 28 July 1937

appeared in the buyer list, did not want to maintain his position either. Eventually, the government decided to step down.

Phra Dulayatharn, the Minister commanding the BRH on behalf of the Prime Minister, was one of the targets of Lieng's questions, because he was not only one of the buyers but also the one who was responsible for royal affairs. He tried to defend himself. He claimed that the rental he received from the land was only 50 baht, not 150 baht. Phra Dulayatharn also revealed that some of the land sold was not approved by the Prime Minister. This point involved the problem of the power to command the BRH and the Privy Purse. According to the law established by the new leaders, the BRH and its affairs were administratively under the Prime Minister's command. In practice, the Prime Minister could not handle every task of the bureau due to his responsibilities as the government's leader, so he appointed a minister to assume the position as the BRH's commander. Phra Dulayatharn was the minister appointed. To conduct the transactions without the Prime Minister's approval might not be illegal because Phra Dulayatharn had legitimate authority, but to use his power to approve so many land sales in the few days before the Crown Property Law was promulgated was obviously unusual.

The resignation of the Cabinet and the Regent altered the parliamentary session from discussion of the land sale to that of the Council of Regency. By the time, the country's administration had been halted. There was not either a Cabinet or Regent. Thus, the House of Parliament was the only main institution remaining, by which the Regency would be appointed as determined by the Constitution. The process to appoint the new Council of Regency would not have been delayed if the MPs had not been confused by the resignation of Prince Aditya. Initially, the Prince had sent a letter to the Speaker of the House stating that he wanted to resign

due to the discussion in Parliament, which had severely damaged his reputation.<sup>47</sup> Two other regents, Chao Phraya Yommarat and Chao Phraya Phitchayenyothin, submitted their resignations a day later.<sup>48</sup>

Those letters from the Regent resulted in confusion among the MPs. Two days later, the Regents submitted another letter withdrawing their resignation. All of them claimed that after they resigned, there were groups from the military, police, MPs and civil servants asking them not to quit. In addition, during the two days of interregnum in which there was no Regency Council, the Regent claimed some confusion took place in the country, politically and fiscally. They also indicated that Parliament had not yet responded to their letters of resignation, so the resignations were not valid. The Regents argued that their position should be maintained.

As a matter of fact, on the day the Regent submitted their first letters, Parliament held a secret meeting considering the resignation. There was no formal record of this meeting; however, a newspaper reported the MPs' discussion. *Prachachart* reported that the House had already selected a royal family member and two more commoners to be the new Council of Regency. While the royal selected was Prince Naris, the commoners were Chao Phraya Sri Thammathibes and Chao Phraya Wongsanupraphat.<sup>49</sup> According to the report, the two Chao Phraya had already accepted the position of Regent. Prince Naris was abroad on vacation and the House sent a telegram to inform him. This report would be confirmed by an MP during a parliamentary session discussing the withdrawing letters of the Regent. Yukieng Thonglongya, an MP from Kanchanaburi, disagreed with the notion that the resignations were invalid, and said that

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<sup>47</sup> Prince Aditya to House Speaker, 28 July 1937 in *Minute of the National Assembly Meeting*, 13/1937 (Regular), 28 July 1937

<sup>48</sup> Chao Phraya Yommarat and Chao Phraya Phitchayenyothin to House Speaker, 28 July 1937 in *Minute of the National Assembly Meeting*, 14/1937 (Regular), 29 July 2480

<sup>49</sup> *Prachachart*, 31 July 2480, pp. 1-2

[b]ecause Parliament has already selected new Regent, and we have contacted them. If we reappoint His Royal Highness [Prince Aditya] to be the regent, how will the persons who we have reached understand? Is Parliament just kidding? By this time I consider the Siamese politics is pervert.<sup>50</sup>

The House of Representatives met on the two following days and held two additional secret meetings to consider the purported resignations of Prince Aditya and the other Regents. The MPs mentioned during the meetings their consideration of Article 57 of the Constitution in their decision of whether the resignations were valid. Lastly, Parliament had a formal meeting in which they determined that the resignation of the Council of Regency was completed.<sup>51</sup>

The appointment of the new Regency was open and inclusive. The House discussed not only the persons to be appointed, but also the number of members in the new Council. As it turned out, those chosen by Parliament to be Regents did not accept the position. According to Phraya Manawaratchasewi (the House Speaker), Prince Rangsit declined the proposal, implying that Prince Naris had also refused the offer. Phraya Manawaratchasewi said in a parliamentary meeting that “it is very difficult to find a royal [to accept the position].” He asked the MPs if it was suitable to appoint a commoner to be the Chairman of the Council of Regency. Some MPs disagreed, contending that the position should be held by a royal because the Chairman’s duty was to be a mediator between the government and the royal family members. In addition, the Council’s Chairman had to conduct the royal ceremonies, so a commoner might not be appropriate. Thus, the House had no choice. They had to accept the former Regents.

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<sup>50</sup> *Minutes of the National Assembly Meeting*, 15/1937 (Regular), 31 July 1937

<sup>51</sup> *Minutes of the National Assembly Meeting*, 16/1937 (Regular), 1 August 1937

Initially, Parliament decided to maintain the former number of Regent at three people (a royal, a civilian, and a soldier). The royalty would be the President of the Council, so that the communication with other royal family members would be convenient. Several names of royals were listed in the meeting: Prince Bidyalongkorn, Prince Rangsit, Prince Chula Chakrabongse, and even Queen Savang. However, some of them lived abroad, and some obviously did not accept the job. Eventually, the last four royals from whom Parliament could choose were Prince Aditya, Prince Alongkot, Prince Wiwathanachai, and Prince Thossiriwong. The majority of the MPs voted for Prince Aditya, so he returned as a Regent. The civilian the House selected was Chao Phraya Mahithorn, who won a majority of the vote over Chao Phraya Yommarat (one of the former Regents), and Chao Phraya Thammasakmontri. Lastly, the military Regent chosen by Parliament was Chao Phraya Wongsanupraphat (rather than the former Regent Chao Phraya Phitchayenyohin and Phraya Bahol, the former Prime Minister.) Thus, at this step, only Prince Aditya remained from the old Council of Regency.

After that, Parliament assigned Phraya Thep Hassadin, the Deputy Speaker of the House, to approach those who were chosen. However, Chao Phraya Mahithorn and Chao Phraya Wongsanupraphat both refused to accept the position due to their old age. In the meantime, Prince Aditya stated that he would not accept the position unless all of the former regents were reappointed.<sup>52</sup> The House of Representatives did not acknowledge Prince Aditya's request. Instead, Parliament voted for Chao Phraya Phitchayenyohin (a former Regent) and Chao Phraya Thammasakmontri.<sup>53</sup> While Phitchayenyohin accepted the position, Thammasakmontri said that he was too old. Parliament had to select another candidate; however, the majority of MPs still

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<sup>52</sup> *Minutes of the National Assembly Meeting*, 17/1937 (Regular) , 1 August 1937

<sup>53</sup> It was interesting that Phibul and Bhahol were ones of the candidates; however, their names could not win the majority of the MPs.

chose Chao Phraya Thammasakmontri. The Speaker of the House was not sure whether Chao Phraya Thammasakmontri would accept Parliament's decision, so he saw Thammasakmontri personally to ask him. Chao Phraya Thammasakmontri still refused. Thus, there was only one choice left: Chao Phraya Yommarat who was a former Regent. This is why all three former regents were appointed by Parliament after much confusion.<sup>54</sup>

When the Council of Regency was functioning again, the next step was to appoint the Prime Minister. According to the 1932 Constitution, the Prime Minister would be appointed from among the MPs by the King and the Speaker of the House would countersign such an appointment. After the scandal, the leaders apparently agreed that Bhahol would again be appointed the Prime Minister. However, Parliament had not yet decided whether Bhahol was innocent of involvement in the land sale scandal. Although almost all MPs believed that the former premier was not involved in the corruption which led to the scandal, the House could not formally approve his innocence because there still had been no official investigation. The leaders solved this puzzle by allowing the Regent to appoint Bhahol as the Prime Minister. After that, when his new Cabinet was approved, the government appointed a committee to investigate the Privy Purse's land sale scandal. Through this process, Phraya Bhahol was again named as Prime Minister.

After setting up the new Cabinet, the investigating committee was to be arranged. However, there was no bureaucrat willing to get involved. Initially, the Cabinet named five officials to the committee, of which Chao Phraya Srithammadhibes was the chairman. Others in

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<sup>54</sup> However, Bruce Lockhart, "Monarchy in Siam and Vietnam, 1925-1946," p.506 describes this event as "A comic-opera scene." It should be noted here that both Lockhart and Weena raise a possibility in which Pridi might have been the mastermind who tried to discredit Phibul by this scandal. According to Lockhart's and Weena's sources, this belief seemed to be widespread among the diplomat circle. See Bruce Lockhart, *Ibid.*, pp.507-508, and Weena Manopimoke, "Conflicts within the People's Party," Master of Arts Thesis, Department of History, Graduate School, Chulalongkorn University, 1977, p.139



the committee were MPs and senior judiciaries.<sup>55</sup> The names were even published in the *Royal Gazette*<sup>56</sup> and other newspapers. However, Chao Phraya Srithammadhibes did not accept his appointment due to his intimacy with Phraya Bhahol, which he said might affect the investigation. Furthermore, Phra Atcharatsongsiri, one of those named to the committee, refused to accept the position, claiming that his administrative position was hierarchically subordinate to Phraya Rit Akkhanee, one of those accused in the case.<sup>57</sup> Thus, the Cabinet had to find other bureaucrats to form the committee. Eventually, Phraya Phalangkul Thammaphichai accepted the Cabinet's invitation. The government appointed Phraya Nonratchasuwat to be the committee's chairman.

The Cabinet permitted the committee full clearance. Prince Wan suggested in early August that the investigation should be comprised three main issues: the legal aspects, the administrative procedures, and the morality of the sale.<sup>58</sup> Phraya Nonratchasuwat was concerned about the limits of the committee's investigation, so the Cabinet determined the boundaries of the examination – the committee could obtain all related documents from every state's department,<sup>59</sup> and call every level of bureaucrat for answers, except those at the ministerial level, whose cooperation the committee would have to request of the government, and the Council of Regency (who could not be investigated due to Article 98 of the Criminal Code).<sup>60</sup> The Cabinet tried to convince the committee that the investigation would not be stymied or hindered due to the

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<sup>55</sup> Record of the Cabinet Meeting, 2/1937 (Special), 12 August 1937

<sup>56</sup> "Appointment of the Investigating Committee of the Privy Purse's Land," *Royal Gazette* 54, (16 August 1937): 1064-1065

<sup>57</sup> Record of the Cabinet Meeting (Special), 14 August 1937

<sup>58</sup> Record of a Special Meeting, 10 August 1937

<sup>59</sup> Record of the Cabinet Meeting, 7/1937 (Second Administration), 18 August 1937

<sup>60</sup> *Announcement of the Privy Purse's Land Sale Investigation* (Bangkok: Chatinijom, 1937), p. 4

clearance granted. Prince Wan said in a Cabinet meeting that “unless to allow them that much power, the committee would accuse that [the government] trying to conceal the truth.”<sup>61</sup>

About two months later, the committee submitted its investigation report to the Cabinet. The report consisted of many details. It investigated the Privy Purse’s land sale and examined every person concerned except the Regent. It listed every transaction, including the names of all sellers and buyers, the location and size of the lands sold, the time period of each sale, and the prices. According to the report, the transactions began in November 1935 and ended in July 1937 (the same month as the promulgation of the Crown Property Law). There were 30 sales, 23 of which were occurred in July 1937, and 12 of these occurred specifically on July 17. The report documented that the Council of Regency had approved all of the sales and set the prices. According to the report, the Regent ordered officials to skip some important processes for some of the land sales. Table 3.1 below shows some significant details extracted from the report.

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<sup>61</sup> Record of a Special Meeting, 10 August 1937

Lands Sold								
	Buyers	Transaction Date	Amount of Land (square wa)*	Previous Price (baht)	Sold Price (baht)	Payment	PPB Advisory Committee Notification	Notes
1	Khun Nirandonchai (1)	November 12, 1935	400	4,000	4,000	100 baht/month	no	
2	Khun Nirandonchai (2)	January 7, 1937	392	3,915	3,915	100 baht/month	no	
3	Luang Phibul Songkram	January 7, 1937	812	7,120	7,120	unknown	no	returned
4	Lt. Wan Ruyapon	January 18, 1937	364	4,400	4,400	700 baht/year	no	
5	Phra Dulayatham (1)	April 14, 1937	649	8,662.50	8,000	100 baht/month	no	returned
6	Luang Chamnan Yuthasilp	May 11, 1937	926	unknown	9,260	1,160 baht/year	no	returned
7	Khun Nammarunart	June 23, 1937	720	unknown	7,200	600 baht/year	no	
8	Phraya Rit Akkhanee	July 1, 1937	982	15,000	10,000	1,200 baht/year	no	returned
9	Nares Thirak	July 12, 1937	447	unknown	4,000	500 baht/year	no	
10	Wilas O-sathanond	July 15, 1937	784	17,504.10	6,000	1,200 baht/year	no	
11	Phra Phichit Ratchasarn	July 15, 1937	1,224	13,100	5,954	600 baht/year	no	
12	Khun Likhitsurakarn	July 15, 1937	100	22,600	5,924	500 baht/year	no	
13	Luang Nittheskolkij	July 16, 1937	224	19,268.83	7,000	50 baht/month	no	
14	Aek Suppodok	July 16, 1937	474	6,382.23	2,844	600 baht/year	no	
15	Luang Abdul	July 17, 1937	1,436	unknown	18,650	1,800 baht/year	no	returned
16	Luang Chamnan Nitikaset	July 17, 1937	1,478	28,010.24	9,231	1,200 baht/year	no	returned
17	Luang Atthasartprasit	July 17, 1937	544	22,820	10,724	1,200 baht/year	no	returned
18	Lt. Kulap Kanchanasakul	July 17, 1937	190.5	10,202	6,834	500 baht/year	no	
19	Son Bunjung	July 17, 1937	524	36,000	4,584	600 baht/year	no	
20	Cap. Krawi Sawatdibutr	July 17, 1937	264	16,000	5,480	600 baht/year	no	
21	Luang Yutthasartkosol	July 17, 1937	1,909	37,828.12	10,303	1,000 baht/year	no	
22	Phra Wiset Aksornsarn	July 17, 1937	249	9,105	3,557	200 baht/year	no	
23	Phra Noraratchamnog	July 17, 1937	440	21,441.77	6,614	500 baht/year	no	
24	Chamnog Ratchakij	July 17, 1937	202	18,122.28	6,134	500 baht/year	no	
25	Sawang Mahakayi	July 17, 1937	282	13,000	4,070	300 baht/year	no	
26	Prachuap Buranond	July 17, 1937	1,179	unknown	11,790	600 baht/year	no	
27	Phra Dulayatham (2)	July 19, 1937	403	37,080	14,000	1,000 baht/year	no	
28	Direk Jayanam	July 20, 1937	1,131	72,216.79	18,590	1,200 baht/year	no	
Lands Bought								
	Sellers	Transaction Date	Amount of Land (Square wa)	Previous Price	Bought Price	Payment	PPB Advisory Committee Notification	Notes
1	Prince Aditya	June 18, 1937	2,734	unknown	90,000		no	
2	Jittasen Panja	July 17, 1937	119	unknown	6,000		no	

Table 3.1: Buyers and Sellers of the PPB Land in the Report of the Investigation Committee<sup>62</sup>

\* 1 square wa = 4 square meters

<sup>62</sup> *Announcement of the Privy Purse's Land Sale Investigation* (Bangkok: Chatiniyom, 1937)

An important issue investigated by the committee was whether there was any effort to delay the promulgation of the Crown Property Law so that the transactions would be legal. The committee found that there were three points at which the promulgation was delayed: 1) the process of bringing the Bill to the royal court; 2) the approval of the Council of Regency; and, 3) the publication in the *Royal Gazette*. According to the Cabinet meeting records, the first step was delayed because the consulting committee had not been determined, the transfer of the crown property had not yet been settled, and the Minister of Finance (who was to be in charge of the entire process) was not in Bangkok at that time, so the Cabinet decided to wait for him. Regarding the second part, the report of the committee recorded that the Prime Minister submitted the Bill to the Regent on May 14.<sup>63</sup> A week later, the Regent proposed to the Cabinet that the regulation of the royal court organization should be revised before the Crown Property Bill was authorized. However, the Prime Minister did not support the Regent's idea, arguing that it was not necessary and said the Bill should be immediately enforced. After another week, the Regent still maintained that the crown property reserved by the BRH had not yet transferred to the Ministry of Finance and thus the Bill could not be promulgated (the Regent sent the Bill back to the Prime Minister).

At that point, a constitutional conflict might have occurred. According to the Constitution, if the sovereign did not authorize the Bill within one month, it was to be sent back to the Prime Minister and the House for reconsideration. Thus, the Cabinet secretary re-sent the Bill to the Regent to prevent the potential constitutional conflict. The Regent seemed to have no choice but to authorize the Bill. As appeared on the Act, the Council of Regency, acting for the

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<sup>63</sup> Record of the Cabinet Meeting, 2/1937, 12 May 1937

King, approved the Bill on June 15. At this point, the Bill would have become a law if it had been published in the *Royal Gazette*.

However, the Regent asked the Cabinet to delay the publication of the law, arguing that the BRH and the Ministry of Finance should reach an agreement over the regulation of the crown property before the law was published. During this time, the Ministry of Finance had established the consulting committee in accordance with the content of the Bill. However, the Bill was not yet enforced. A month later, Phraya Chaiyossombat, the Minister of Finance, sent a semi-secret letter to the Prime Minister, informing him that Chaiyossombat had learned of the scandal about the Privy Purse land sales. According to the Minister, during that week, some civil servants had irregularly bought properties from the Privy Purse, so he asked Direk Jayanam, the Cabinet Secretariat, to quickly enforce the law. Eventually, the Crown Property Law was published in the *Royal Gazette* and became an Act on 19 July 1937.

Given this information, the investigative committee concluded that no one in the Cabinet intended to delay the promulgation of the Crown Property Law. The committee contended that although the Prime Minister did not immediately submit the parliamentary-approved Bill to the Council of Regency, this was not wrong because the Cabinet wanted to wait for the Minister of Finance to return to Bangkok. In next step, when the Regent proposed to delay enforcing the law so that the revision of the regulation of the royal court could be completed, the Cabinet not only rejected this idea but also asked the Regent to quickly authorize the Bill. Thus, the delay of the promulgation was not the mistake of the Cabinet.

Further, when the committee examined the buyers, it considered three points: the legal criteria, the bureaucratic factors, and the moral guilt. While the committee indicated that there was no guilt in the first two points due to the facts they found, the last point was not immoral

because the transactions were approved by royal authority. The conclusion of the report did not conceal that the sale of the Privy Purse's lands before the promulgation of the Crown Property Law was approved under the royal prerogative exercised by the Regency Council. The only reason the transactions occurred was because the Council of Regency had exercised its right to grant the royal mercy. The committee met with each Regent to ask them about the selling process and how they decided to approve the sale. All regents maintained that they decided to sell the lands in accordance with royal tradition. Prince Aditya indicated that the sale was an exercise in maintaining loyalty to the monarchy so that the institution would not lose too much of its benefits. However, since the Council of Regency was immune from investigation due to Article 98 of the Criminal Code, the committee could not state that they were responsible for the delay nor could it determine the moral status of the transactions. This conclusion implied that the abnormal transactions involving the Privy Purse's land were possible due to the delay of the promulgation of the Crown Property Law. Many MPs had emphasized this point in the parliamentary discussion. Another implication of this conclusion was that the Regent was guilty.

In spite of the imposed limitations, this investigation was one of the few examples in the modern history of Thailand in which the representative of the Head of State was brought into the investigative process. Prince Wan maintained in a Cabinet meeting that the committee should have clearance to access all levels of the bureaucracy, including the Regency Council.<sup>64</sup> Interestingly, although the committee's report was only for purposes of information, its readers might have apprehended the entire picture.

The committee's report contained two significant findings: to name the convicted officials and to interpret the legal effects of the Privy Purse's land sale. The committee attempted

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<sup>64</sup> Record of the Special Meeting, 10 August 1937

to determine whether any officials were at fault for the suspiciously low land sale prices, but since the prices were determined by the Regent, the committee concluded that the officials were not at fault. As mentioned previously, the committee also determined that the buyers and sellers were also not at fault legally since there was no incorrectness with regard to bureaucratic regulations. However, the committee indicated that they could not decide whether this group was morally blameworthy because the transactions were authorized by the royal mercy. Thirdly, the report indicated the committee's judgement that the high ranking officials in the royal court were guiltless. The committee noticed that all transactions were completed without being submitted to the PPB Advisory Committee. However, all cases had been granted the royal mercy, thus that exemption was not incorrect.

According to the report, only one transaction was deemed incorrect: a piece of land the Privy Purse bought from Prince Aditya, the then-President of the Council of Regency. The committee indicated this case was not a transaction executed by the royal mercy; it was therefore required to be submitted to the PPB Advisory Committee. Nevertheless, the penalty for this erroneous transaction was just a formal letter of condemnation sent to the officials involved. Eventually, only one official of the Privy Purse Bureau (Khun Likhit Surakarn, the Deputy Director of the Privy Purse) was punished (he was fired) for dishonesty in estimating the price of two pieces of land.

The most important judgement of the committee was that all transactions involving the Privy Purse's land were unconstitutional. The land sales were authorized by the Regent but there was no countersignature, thus these sales had to be held invalid. The Cabinet did not object to the report and issued a resolution to pursue the committee's suggestions. The Ministry of Finance was required to re-acquire those lands of the Privy Purse. Two officials were threatened with

punishment: Phraya Charti Dejudom, then Lord Chamberlain, and Phraya Amaessombati, the Director of the Privy Purse Bureau. Lastly, Phra Dulayatharn, the Minister who commanded the BRH, would have been punished had he not retired before such a Cabinet resolution was issued.<sup>65</sup>

How important was the Privy Purse's land sale? Narong Phuangphis and Prachan Rakpongsa, who accessed significant related documents, proposed that the resignation of Bhahol was a good example for politicians by taking responsibility for the actions of his subordinates and was willingly open to the investigation by the committee. Moreover, Lieng's question in the House showed the proper actions taken under the parliamentary system where the legislative section tried to scrutinize the executive actions.<sup>66</sup> From another perspective, however, following the constitutional pattern of power, the crown property after the 1932 Revolution was held as the state's assets, the management of which could not be done arbitrarily as in the old regime. Rather, it was the responsibility of Parliament (the people's representatives), under a new principle created after the Revolution which could not have occurred in the absolute period. Furthermore, the Privy Purse's land sale was the only instance in the history of Thailand in which the persons who functioned as the Head of State as the Council of Regency were directly and publicly discussed both in Parliament and the newspapers. Although the committee could not convict the Regent due to the limits imposed by the Criminal Code, that the royal authority was dismissed reflected the principles of the new regime.

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<sup>65</sup> Record of the Cabinet Meeting, 22/1937, 17 November 1937

<sup>66</sup> Narong Phuangphis, "Questions of Members of Parliament: the Case of the Privy Purse's Land Sale in Bhahol's government," *Historical Journal* (1995): 5 – 25, and Prachan Rakpongsa, "A Study of the Political Role in the Parliamentary System of Military and Civilian Governments in Thailand (A.D. 1938 - 1957)," Master thesis, Department of History, Graduate School, Chulalongkorn University, 1977, pp. 57 - 58



### 3.6 Under the 1936 Crown Property Law

The 1936 Crown Property Law provided the Ministry of Finance with the authority to manage the crown property. The Law also determined how to spend the income obtained from the crown property. Article 7 indicated the conditions for transferring crown property or its disposal. According to Article 6, the net profit from crown property transactions would be reserved for the monarchy under an account named the ‘Budget of the Head of State’. Article 6 was important because it allowed the government to manipulate crown property assets. In other words, the significance of the 1936 Law was its separation of the monarchy both as person and as an institution from the power to manage the property of the crown.

#### 3.6.1 Confusion and the Interpretation of Article 6

The section of the Law designating how the income from the crown property was to be spent led to some confusion during the first year of its enforcement. After the scandal of the Privy Purse’s land sale, the government tried to pursue the management of the crown property in accordance with the content of the 1936 Law. Regarding the will of the Law, Prince Wan (who drafted the Law) maintained that it would prevent the monarch from providing the crown property to anybody.<sup>67</sup> As a result, several expenses over which the royal court previously held authority were no longer managed by royal command. This change can be illustrated by some examples which occurred in August 1937. The Council of Regency had already approved funds to support the residence of the Regent Chao Phraya Phitchayenyothin; however, the spending of these funds was suspended by the Minister of Finance since such support did not conform to the Law. The Minister explained that such an expense had to be paid by the Budget of the Head of State. Since the net profit from crown properties for 1937 had not yet been calculated, any

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<sup>67</sup> Record of the Cabinet Meeting, 122/1935, 19 February 1936

expenditure of these funds had to be suspended. Such a suspension of expenditures authorized by royal command by a Minister was novel to crown property management and it was soon applied to other expenditures of the royal court, for example, the royal mercy for marriage ceremonies and donations to build hospitals. The suspension of the expenditures resulted in discontinuity of royal court business. The Cabinet solved this problem by allowing the Ministry of Finance to provide a loan to the royal court to use for its expenses in 1937. When the net profit of the crown property was determined by the end of the year, the royal court's expenditure would again become normal.<sup>68</sup> In addition, the Cabinet permitted the Regents to issue a regulation for spending the monies of the loan for routine and occasional expenses, which was later named 'the Expenditure of the Head of State'. According to this regulation, the spending would be authorized by the Regent under the approval of the Prime Minister as the commander of the BRH.<sup>69</sup>

The management of the crown property enacted in the 1936 Law also led to curiosity about the authority to spend the royal court's budget, and the Cabinet asked *Kissadeeka* to interpret the Law since the Minister of Finance and the royal court did not agree over its content. The royal court maintained that to spend monies in accordance with Article 6 required royal approval. Phra Sarasasraphant, the BRH Minister, strongly insisted that Article 6 only indicated the categories of the royal budget and that it did not allow the Minister of Finance to spend the royal monies arbitrarily.<sup>70</sup> The Minister of Finance contended that the expenditures listed in Article 6 were routine and did not require royal approval. In principle, the two sides were arguing whether the monarch still had authority to manage the crown's property. *Krissadeeka* arranged a

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<sup>68</sup> Record of the Cabinet Meeting, 8/1937, 25 August 1937

<sup>69</sup> "Council of Regency's Regulation of the Spending of the Crown Property's Incomes," in Office of the Cabinet Secretariat, SLK 3.22.9/3

<sup>70</sup> Phra Sarasasraphant to Cabinet Secretariat, 4 June 1938 in N.A. (3)SR 0201.65.1/18

meeting of those directly involved, such as Phraya Atcharatsongsiri from the Ministry of Finance, Phra Sarasasraphant as the representative of the royal court, and Prince Wan, the advisor to the Office of the Prime Minister. Interestingly, the final interpretation of *Krissadeeka* was identical to Prince Wan's initial proposal during the drafting of the Law in 1935, i.e., that Article 6 of the 1936 Law provided special authority to the Ministry of Finance to manage the crown's property. Thus, the Minister could spend the monies without royal approval.<sup>71</sup>

### 3.6.2 The designation of authorities

According to Article 5 of the 1936 Law, the crown property was determined to be under the Ministry of Finance's authority; thus, a number of properties had to be transferred from the Privy Purse to the Ministry. In practice, however, there were several issues which arose occasionally during the first year of the enforcement of the Law. The leaders' concept of crown property management sometimes was demonstrable by the method and approach they used to handle such instances. The first issue was the definition of the properties retained by the Privy Purse. After Parliament approved the Crown Property Bill in March 1937, the Minister of Finance, who was preparing for more work transferred from the BRH, raised a problematic issue concerning the monarch's "consumables," which Article 5 determined were the responsibility of the BRH.<sup>72</sup> Initially, the Cabinet approved the definition suggested by Prince Wan that these consumables meant general consumer goods used by the monarch in ordinary everyday life, not those consumed as the head of state. According to the Prince's definition, the royal regalia were not included in this category so were under the Ministry of Finance's control.<sup>73</sup> Such a definition

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<sup>71</sup> Secretariat of *Krissadeeka* to Cabinet Secretariat, 16 September 1938 in N.A. (3)SR 0201.65.1/18

<sup>72</sup> Record of the Cabinet Meeting, 14/1937, 2 July 1937

<sup>73</sup> Record of the Cabinet Meeting, 15/1937, 5 July 1937

did not satisfy the Regent, however, since they wanted a more certain explanation.<sup>74</sup> The issue then was passed to the CPCC, which suggested that the consumables in the royal court comprised those consumed by the King as an ordinary person and those which were used in royal affairs. The definition of the first category conformed to Article 5 of the 1936 Law, thus would be retained by the BRH, the committee argued, but the second group had to be controlled by the Ministry of Finance. However, for the sake of convenient usage, the committee suggested that some consumables in the second group should be kept by the BRH.<sup>75</sup> This interpretation clarified the duties of the BRH and the Ministry of Finance under the Crown Property Law.

According to Article 5 of the 1936 Law, those properties of the crown which were not consumable were controlled by the Ministry of Finance. The most important of these were the investment assets. In July 1937, before the Crown Property Law was promulgated, the BRH had submitted 122 accounts under the Privy Purse's control to the Ministry for determination as to whether they were crown or private properties. The CPCC determined that, of the 122 accounts, 28 accounts were properties of the crown and 94 accounts were private properties.<sup>76</sup>

It is unclear how many properties of the crown were retained by the Privy Purse during the 1932 Revolution. During its prosperous period, the Privy Purse owned more than 20,000 *rai* of land in Bangkok and nearby areas. Chollada reports that the Privy Purse's assets decreased in the two reigns after King Chulalongkorn due to changes in its investment policy and the economic downturn.<sup>77</sup> Later documents indicated that the Privy Purse retained three groups of accounts:

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<sup>74</sup> Record of the Cabinet Meeting, 18/1937, 12 July 1937

<sup>75</sup> Record of the Cabinet Meeting, 9/1937 (Second Administration), 1 September 1937

<sup>76</sup> Record of the Cabinet Meeting, 18/1937, 12 July 1937

<sup>77</sup> Chollada Wattanasiri, "Investment of the Privy Purse, 1890-1932," chapter 4

private properties of King Prajadhipok, private accounts of other royals, and properties of the monarchy.<sup>78</sup> This last was defined as crown property by the 1936 Law.

The same document also indicated that properties of the monarchy included account number 1, account number 2 (the annual allocation the monarchy received from the state), the pension for the royal concubines (details of this budget will be explained in later chapter), and the income and expenses of the Ministry of the Royal Household. The pension for the royal concubines was initiated by King Chulalongkorn to provide for his inner court ladies, using revenues from real estate. Thus, of these properties, only account number 1 directly involved business investments.

Another document further indicated that account number 1 contained the properties, profits, and incomes of the Privy Purse, including cash, lands, shophouses, stocks, and mortgages.<sup>79</sup> Unfortunately, there was no evidence which clearly indicated the value of these properties. However, some documents after King Prajadhipok's abdication indicated that in 1936 and 1937 monies were transferred from account number 1 to account number 2 in the amounts of 365,192.85 and 279,301.36 baht, respectively.<sup>80</sup> According to the documentary evidence, those amounts constituted 40% of the revenue of the Privy Purse in each year, thus the Privy Purse retained properties which generated profits of 912,982.13 and 698,253.4 baht (respectively for the two years); these properties were transferred to the Ministry of Finance after the 1936 Act was enforced.

The next group of asset the government examined was the royal residences and lands. Those royal areas were located throughout the country and were controlled either by the BRH or

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<sup>78</sup> Civil Court's Judgment, Black Case number 242/2482, Red Case number 404/2484, 30 September 1941 in Office of the Cabinet Secretariat, SLK 3.22.9/6

<sup>79</sup> N.A.(3)SR 0201.2.1.65.1/5

<sup>80</sup> *Ibid.*

each provincial committee. The BRH inquired concerning the categorization of those areas in accordance with the 1936 Law and whether the profits from those areas could be spent. Initially, the Minister of Finance suggested a criterion for consideration that the properties to be transferred to the Ministry of Finance should be those involving investments and that the BRH should retain only the assets without income. Phra Sarasasraphant, however, contended that if the BRH did not receive some income for the royal residences, then it could not effectively maintain the residences. The Cabinet's resolution comprised two points: agreeing with the criterion suggested by the Minister of Finance but determining the Ministry to allocate monies for the BRH to maintain those royal areas.<sup>81</sup>

During the discussion in the Cabinet meeting there emerged some interesting thoughts concerning the maintenance of the royal residences. The Minister of Finance suggested that these expenditures should be allocated from the Budget of the Head of State. This suggestion implied that the Cabinet could determine how the Budget would be spent. Prince Wan indicated that such an expense should be allotted from the private budget of the monarch, implying that the Cabinet could expand its authority to cover even the private allowance of the King. Actually, the royal court administration built by the People's Party government after King Prajadhipok abdicated had already led to the Cabinet holding authority over the personal expenses of the monarch. According to the 1935 Law, the BRH was under the direct control of the Prime Minister and the 1936 Crown Property Law assigned the BRH jurisdiction over the private properties of the King. Logically, therefore, the Prime Minister could legally manipulate the personal budget of the King. In other words, the system of royal finance and property management established by the leaders after the 1932 Revolution expanded the authority of the Cabinet beyond that imposed by

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<sup>81</sup> Record of the Cabinet Meeting, 1/1938, 9 May 1938

the English Civil List on the British monarchy. The Civil List separated the monarch from the power to control public finance but Parliament did not have any authority over the head of state's private property.

Another issue concerned the civil servants of the Privy Purse; some officers were retired from their positions, which also resulted in a delay in the property transfer. After the Crown Property Bill was approved by Parliament, the officials working for the BRH might have been aware of their uncertain future, so they were not willing to cooperate with the transfer. Even after the Law was promulgated in July 1937, the re-assignment had still not been completed. The Cabinet met to determine a deadline on 15 November<sup>82</sup>; however, they still did not collaborate.<sup>83</sup> According to the BRH's information, of the approximately 200 officials working for the Privy Purse, 80 civil servants were relocated to the Minister of Finance to continue to work on crown property management and another 80 would remain with the Privy Purse, leaving 40 civil servants unassigned who were forcibly retired. The Regent expressed pity for these individuals.<sup>84</sup> The Cabinet tried to explain that these officials were selected for retirement because they met two criteria: they were older than 55 years and had worked for the bureaucratic system for more than 25 years.<sup>85</sup>

In sum, the transfer of crown property from the BRH to the Ministry of Finance in accordance with the content of the 1936 Crown Property Law carried with it some important issues. The Cabinet had to consider and decide the definitions of the properties, the asset accounts and the royal residences. During this process, there emerged some interesting thoughts of the leaders concerning the crown property management, namely that, under the People's Party

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<sup>82</sup> Record of the Cabinet Meeting, 17/1937 (Second Administration), 27 October 1937

<sup>83</sup> Record of the Cabinet Meeting, 22/1937 (Second Administration), 17 November 1937

<sup>84</sup> Record of the Cabinet Meeting, 28/1937 (Second Administration), 18 March 1938

<sup>85</sup> Record of the Cabinet Meeting, 30/1937 (Second Administration), 28 March 1938

regime, for the Cabinet to control all crown property and royal finances seemed to be just common sense to the leaders, thus the government expanded its authority to all royal affairs, including even the private budget of the monarch.

### 3.7 Limited Accountability

The separation of the monarch from the power to control the royal affairs resulted in the applying of the principle concerning accountability in the management of the crown property and the royal finance. As discussed earlier, the investigation of the Privy Purse land case illustrated the accountability over the affair. However, the period in which the People's Party was in power saw an important limitation: the political structure constructed after the 1932 Revolution in which the executive branch had more power than the legislative institution. Parliament could not really control the government. Accordingly, some significant cases reflected the unaccountable management of the crown property under the government's power.

In the English case, from which the Siamese leaders after the Revolution tried to imitate for the crown property management, the reform of the royal court finance was a significant factor which led to changes in the political structure. The Civil List had developed from the system which balanced the power between the royal court and Parliament to the structure in which the legislative branch had more power than the monarch. Since the early 19<sup>th</sup> century, the monarch had power only over his private budget and some royal court allocations, and other administrative allowances were controlled by Parliament. Changes in the management of the royal court finance thus reflected the development of the wider political structure and were a part of the initiation of the parliamentary supremacy. The Thai case was rather different, however. The reform of the management of the crown property did not lead to the parliamentary supremacy system. In this section, I describe another characteristic of the management of the crown property which



reflected the executive inclination of the post-1932 political structure. As a result, there emerged the limitation of the accountability principle in pursuing the affair.

The payment of the Budget for the Head of State was informative. Article 6 of the 1936 Law mentioned two categories of the crown property's expenses: the budgets comprised of salaries, pensions, occasional payments, investment, and royal charities, and the Budget for the Head of State (the net profit of all incomes from the crown property). As mentioned above, *Krissadeeka* maintained that the Ministry of Finance could spend the monies determined in Article 6 without royal approval. Accordingly, the person who had authority over the Budget for the Head of State was a minister rather than the King or the Regent. This pattern of authorization was expressed through several instances in practice.

As described above, during the first months of the 1936 law's enforcement, the government could not exactly calculate the amount because the total budget of the royal court had not been settled. The Ministry of Finance had to provide a temporary loan for the BRH and a regulation to direct the payment of such a budget was issued. There was some evidence in early 1939 which indicated that the net profits of the crown property in 1937 and 1938 were 416,573 and 600,000 baht respectively, and those amounts were allocated as the Budget for the Head of State in each year. The 600,000 baht would be the amount the Ministry of Finance provided for the Budget in later years. There was no obvious evidence of how the Budget was spent in each fiscal year. Some documents suggest that the payment of the Budget for the Head of State comprised three categories: the routine expenses of the royal court, the residue payments, and special expenditures. Most of the payment of the first of these was the expense paid by royal mercy for persons in governmental and royal court circles. For example, in 1942, the amounts the royal court prepared to pay for this expense were 25,000 and 40,000 baht for the Prime Minister

and the Regent, respectively. The expense of the royal court was only 36,000 baht.<sup>86</sup> The second category of the Budget included payments for the *Norasinha* building (which later became the House of Government), including its maintenance, which cost 540,000 baht.<sup>87</sup> The last category was related to 150,000 baht borrowed by the Crown Property Bureau to pay the Civil Court's fee for the legal case against King Prajadhipok and Queen Rambai Barni in 1940.<sup>88</sup> It was noticeable that most of the Budget for the Head of State paid for functions of the government rather than those of the royal court. On the one hand, King Rama VIII was still young and did not permanently live in the kingdom, so the money needed to take care of the King was not so high;<sup>89</sup> on the other hand, the system of the management of the royal court in the post-1932 regime was the foundation of such a pattern of budget payment.

In principle, the Budget for the Head of State was money the King could spend due to his position as the monarch, so it was not the King's private budget. Thus, constitutionally, a minister held authority over these monies. Even if the King lived in the country, he could not spend the Budget without a minister's approval. Practically, several documents indicated that the allocation of the Budget for the Head of State was not under the authority of the Council of Regency but instead belonged to the Cabinet. As mentioned above, in May 1938, the Minister of Finance suggested that expenses related to the royal residences should be paid by the Budget for the Head of State.<sup>90</sup> Another example concerned the royal charity. The Phibul government in 1939 approved the suggestion of Pridi Bhanomyong, the Minister of Finance, to pay (from the Budget for the Head of State) the electrical bills of three temples for the royal charity, which was

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<sup>86</sup> Royal Private Secretary to Cabinet Secretariat, 29 April 1942 in Office of the Cabinet Secretariat, SLK 3.22.9/2

<sup>87</sup> Minister of Finance to Prime Minister, 17 February 1942 in Office of the Cabinet Secretariat, SLK 3.22.9/2

<sup>88</sup> Royal Private Secretary to Prime Minister, 16 February 1942 in Office of the Cabinet Secretariat, SLK 3.22.9/2

<sup>89</sup> Evidence in 1936 informed that Sangwal, mother of King Ananda, told the Regent that the King needed only 80,000 baht a year, and she let the Regent authority to decide how to manage the 20,000 baht left. Office of the Cabinet Secretariat, SLK 3.22.9/2

<sup>90</sup> Record of the Cabinet Meeting, 1/1938, 9 May 1938

ordered by King Chulalongkorn.<sup>91</sup> These instances showed that the government could determine how the Budget for the Head of State was spent.

In his article which analyses the enactment of Crown Property Laws, Parut Penpayap suggests that the World War II was the watershed which altered the direction of the crown property management. Before the War, the People's Party managed the crown property "in accordance with the ideology of the constitutionalism."<sup>92</sup> Parut's criterion is that the decisions concerning the crown property affair during the time were always approved by the Cabinet. On the contrary, when the War began in Thailand in 1941, the benefits of the crown property were spent for the government leaders' intimates and its spending never acquired the Cabinet's approval. In addition, according to a newly issued regulation, Prime Minister Phibul Songkram could spend the budget of the crown property even before the Council of Regency issued a royal approval. Parut ascribes this arbitrary control of the crown property to the dictatorial rule of Field Marshal Phibul Songkram.

In another perspective, Eiji Murashima argues that the authoritarian administration was not only caused by the personality of the Prime Minister, but also by the structure of the political institutions stipulated by the Permanent Constitution itself. Murashima indicates that the appointed second-category members of Parliament determined by the supreme law became a principal mechanism the People's Party deployed in maintaining its power. The Promoters of the 1932 Revolution considered themselves as the genuine protectors of the Constitution and the democratic regime, and they always justified the undemocratic political structure by alleging that

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<sup>91</sup> Record of the Cabinet Meeting, 4/1938 (Second Administration), 11 January 1939

<sup>92</sup> Parut Penpayap, "What is Crown Property?," *Fadeawkan* 6: 3 (2008)

there still was a monarchist movement trying to overthrow the government.<sup>93</sup> The effort to introduce the multiparty system in Thai politics emerged from the first year of the new regime; however, it would not be realized until 1946 when the new Constitution was enacted. Interestingly, the management of the crown property had a direct role in the preservation of such a structure. According to Murashima's evidence, Prime Minister Phibul Songkram provided the budget of the crown property for the members of the People's Party for their services to the country. In addition, it was used in persuading the first-category MPs to vote for the extension of the interim provision by which the appointed members of Parliament would be maintained further.<sup>94</sup> Compared to the constitutional process of the royal affairs, the principle of accountability would not be applied in such cases.

The point which should be emphasized here is that the 1932 leaders succeeded in excluding the monarch from the power to manage the crown property and the royal finance, and could apply to some extents the principle concerning the accountability to the affair. However, the political structure after the Revolution resulted in some problems in the management of the crown property under the power of the government. Due to the absence of the parliamentary supremacy system, the executive branch administrated the crown property without a proper investigation of the legislative power. Thus, the accountability principle, initiated by the separation of the monarch from the management of the crown property, was limited by the political structure under the 1932 Permanent Constitution, and the rise to power of Phibul Songkram and the military wing of the People's Party accentuated this inclination.

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<sup>93</sup> Eiji Murashima, "Democracy and the Development of Political Parties in Thailand, 1932-1945," in *The Making of Modern Thai Political Parties* (Tokyo: Institute of Developing Economies, 1991)

<sup>94</sup> *Ibid.*, p. 48

### 3.8 The end of the New Principles

The separation of the monarch from the power to control the properties of the crown lasted only a decade and a half. The principal cause of its end was the changing political situation; the People's Party could not hold their power for long. The clash between its most two important leaders, Pridi Bhanomyong and Field Marshal Phibul Songkram, over the future of Thailand after World War II led to the breakdown of the Party. The conservative camp returned to Thailand's political scene in collaboration with Pridi, but could not achieve their political goals as long as Pridi and his followers were still in power. The coup d'état on 8 November 1947 took Pridi out of Thai politics, and actualized the political agendas of the conservative group. One of those was to return the management of the crown property to the royal prerogative, which was realized by the promulgation of the 1948 Crown Property Law.

Somsak Jeamtheerasakul is the first scholar who recognized the historical importance of the 1948 Law. He entitles the Law 'the counter revolution'. Somsak indicates that the monarchist Democrat Party led by Kuang Abhaiwong succeeded in reverting an important principle of the 1932 Revolution.<sup>95</sup> The 1948 Law, according to Somsak, returned both the management of the private properties of the monarch and the Crown Property Bureau to be under the absolute power of the King.

The royalists' move began not long after King Ananda's death. In July 1947, Yai Sawitcharti, a Democrat MP from Nokornsawan, submitted a Bill to Parliament intended to amend the 1936 Crown Property Law, which Yai indicated had many disadvantages. According to Yai, the Crown Property Committee had no real power, which led to possibilities of corruption. According to Murashima's evidence mentioned above, Yai's statements might

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<sup>95</sup> Somsak Jeamtheerasakul, "What is Crown Property Bureau?," p. 243

directly concern Phibul's undertakings over the crown property.<sup>96</sup> Further, Yai indicated that the determinations in the Law did not allow the monarch enough income to preserve his honor. Yai's Bill provided for the King to control the committee and (more importantly) to spend arbitrarily the net profits from crown properties. It could be argued that Yai's real purpose was to return the power to control the crown property to the King; thus, this move of the Democrat Party was a part of the conservative agenda. While considering Yai's Bill, the Cabinet mentioned another draft of the Council of Regency.<sup>97</sup> Although the draft's content was not disclosed, it may be that the royal court had made an effort to revise the law. However, the majority of the MPs still supported the government. Thus, the Bill was not approved, and this effort of the conservative camp to push their political agenda was unsuccessful.

The 1947 coup d'état changed the political landscape in the politics of Thailand. Pridi's group, which represented the liberals, was ousted from the political scene. The authoritarian and conservative groups, characterized by the army and the royal family members and their supporters respectively, were still in power. Before the coup, in order to overthrow Phibul, Pridi had collaborated with the conservatives through the Free Thai Movement. When Phibul resigned from his positions due to his defeat in Parliament, Pridi, by then a Regent, became the most powerful figure in Thai politics. He and his liberal fellows tried to build a more open political arena, including the enactment of a new Constitution in 1946 and the elimination of the prohibition against royal family members' involvement in politics. However, the conservatives returned to significant political roles. They established conservative political parties and wrote many documents, most of which directly countered the 1932 Revolution. In the meantime, the army (which had been eclipsed by the Free Thai Movement) began to recollect its strength. The

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<sup>96</sup> Eiji Murashima, "Democracy and the Development of Political Parties in Thailand, 1932-1945," p. 48

<sup>97</sup> Record of the Cabinet Meeting, 12/1947, 26 June 1947

displeasure due to the mysterious death of King Ananda on 9 June 1946 weakened Pridi's government. Eventually, the conservatives collaborated with the army in overthrowing Pridi's group by launching the 1947 coup d'état.

The 1948 Crown Property Law removed a significant constitutional principle of governance established after the 1932 Revolution. What changed due to the 1948 Law could be reduced to three main points: the management of the private property of the King, the organization responsible for the crown property, and the power to control the crown property. With regard to the first point, the 1948 Law re-assigned management of royal property to the royal prerogative; initially, when Kuang's administration submitted the Bill to the Senate, the Bill only indicated that the private assets of the King were not covered by the new law.<sup>98</sup> But this provision was opposed by a senator, so it was revised in the second reading so that the private properties of the King would be managed completely in accordance with his desire.

In addition, the second reading also added a provision for management of the private properties of the King. An article determined how to appoint a manager of the King's personal assets, which depended on the King's preference. The Prime Minister had to publish the appointment through the *Royal Gazette*. Any transaction, according to the Bill, must not refer to the King's name.<sup>99</sup> This was a goal of those drafting the 1948 Law, since, as declared in the Law's rationale, "the preservation of the private properties of the monarch was under the royal preference."<sup>100</sup>

What happened after the 1948 Law was promulgated showed how the royalists thought about the issue of the Cabinet controlling not only the properties of the crown but also the private

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<sup>98</sup> The Bill indicated that 'this Act does not cover the private properties of the monarch' *Minutes of the Senate Meeting*, 3/1948 (Regular), 19 January 1948, p. 246

<sup>99</sup> "The (third) Crown Property Act, B.E.2491," *Royal Gazette* 10, 65(17 February 1948): 173-179

<sup>100</sup> *Minutes of the Senate Meeting*, 3/1948 (Regular), 19 January 1948, p. 245

assets of the King. The very first response of the royal court when the 1948 Crown Property Law was promulgated illustrated that this was one of their first priorities. On 4 February, only a day after the Regent authorized the Law, Prince Rangsit, the President of the Council of Regency, sent a letter to King Bhumibol (who was then in Switzerland), attaching a copy of the Law and asking the King to appoint the manager of his private properties.<sup>101</sup> This rush could be explained if the management of the private assets of the monarch had been an issue which the royal court wanted to fix for a long time.

The next two issues were connected and were the reason why the 1948 Law was named counter-revolutionary. The power and the organization to manage the crown property were determined to be under the royal prerogative. The new Law returned to the Crown Property Bureau the ability to perform legal transactions by itself. The Crown Property Committee (CPC) would be appointed by the King, except the Minister of Finance who would be the Committee's chairman.<sup>102</sup> This meant that the organization responsible for crown property would be controlled by a committee chosen by the King himself. The 1948 Law also determined that the monarch could spend the net profits of the crown property in accordance with his preference. In principle, this provision resulted in the end of the separation between the monarch and power over the crown property, since, from a perspective of constitutional governance, the 1948 Law brought to the king not only the power to manage the properties of the crown but also the power over public affairs. This contradicted the constitutional principle of governance, which is why the 1948 Crown Property Law was called counter-revolutionary.

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<sup>101</sup> King Bhumibol to Prince Rangsit, 3 March 1948 in N.A. (3)SR0201.65.1/47

<sup>102</sup> This provision might have made the Minister of Finance an important position for the monarchy. Regarding this, the appointment of the Minister of Finance throughout the 1950s reflected tensions between the royal court and the military leaders. Prince Wiwathanachai had held the position for years before Phibul appointed himself as the Minister of Finance in 1949. After King Bhumibol came back to stay in the country in 1951, all those appointed the Minister of Finance were in the Field Marshal's circle. This ended in the 1957 when Pote Sarasin, the Prime Minister after the coup d'état, held the position.



The 1948 Law also led to confusion in the management during the six decades that followed. In his 2006 article, Somsak Jeamteerasakul examined the bewilderment over the interpretation of the legal status of the Crown Property Bureau; even *Krissadeeka* could not definitely conclude whether it was a state or private organization.<sup>103</sup> If it was a state organization, its status would contradict the Law's determination that the monarch could appoint the CPC and could spend the income of the crown property freely as he pleased. The Crown Property Bureau's unclear status also posed a problem regarding the examination of its operations, which, as a state organization, should have been performed. However, if the Crown Property Bureau was held a private organization, its income should have been taxed. Somsak indicated that these confusions resulted from the Law itself.

Furthermore, some parts of the new Law were ambiguous. During the consideration of the 1948 Crown Property Bill, the point widely discussed by senators was the change in the definition of the private property of the monarch. The 1948 Bill which was submitted to the second reading of the Senate defined the private property of the King as any property the monarch obtained not because of his status as a King, unlike the first Crown Property Law under which this depended on the person from whom the monarch received the assets; although this was a more clear criterion, according to a Senate committee this definition could lead to some injustice for the King since, if he as a Prince succeeded to the throne from his father, the previous King's private properties would be held as assets of the state, thus seemingly confiscated by the state.<sup>104</sup> The proposed revision was opposed by several senators due to its ambiguity. A senator questioned how to decide, if a commoner gave the King a pair of trousers, whether the King received those assets as a monarch or as an ordinary person. Interestingly, the committee

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<sup>103</sup> Somsak Jeamteerasakul, "What is Crown Property Bureau?," p. 240

<sup>104</sup> *Minutes of the Senate Meeting*, 5/1948 (Irregular), 26 January 1948, p. 403

answered that it would be considered the private asset of the King until there emerged anyone opposed to this, in which case they would be required to prove that it was crown property, and the contention would be judged by a court.

This raises some important points. First, unlike under previous criteria, the assets under consideration would be held crown property until a claimant emerged. Second, bringing the case to the court as the committee suggested was almost impossible due to Article 3 of the 1949 Constitution which prohibited anyone filing a legal case against the King. These were legal dilemmas brought about by the 1948 Crown Property Law.

### Conclusion

Changes in the definition of crown property reflected two significant points of its management after the 1932 Revolution. First, the separation of the monarch from the power to manage public affairs, the core principle of the constitutional monarchy, was applied to the management of the crown property in the same way as the finance of the royal court. This principle was realized in practice by separating the private properties of the monarchy and those of the crown from each other. Second, the power was transferred to the new leaders. Transferring the assets to be under its authority, the government not only separated those properties, but also controlled to spend the incomes from crown property.

As a result, this process brought accountability to crown property management. Unlike the Privy Purse's methods under the absolute state, the administration of the crown property by the government after the 1932 Revolution was open to public investigation. The scandalous Privy Purse's land sale was an exceptional instance. However, despite some limits, even this scandal demonstrated how a public affair was pursued, subject to parliamentary and public investigations.

The 1948 Crown Property Act, a product of the political changes after the World War II and the 1947 coup d'état, ended this. The Law provided the monarch with power over crown property. Thus, its management was no longer subject to public investigation. In principle, the separation of the monarch and the power to manage crown property was ended.

## **Chapter 4**

### **The Reform and the Royals**

#### Introduction

The management of the properties and finances of the royal court under the constitutional monarchical governance affected not only the king, but also other royal family members. To study those royals' views on changes in the royal affairs in general and their lives in particular might have led to more comprehensive understanding of the 1932 Revolution, especially of the anti-revolutionary opinions which later became a significant factor in the failing of the new regime.

In this chapter, I examine changes in the management of the royal court's properties and finances which involved royals other than the monarch. I focus on three cases: 1) Queen Savang; 2) the annual monies for the royals; and 3) the management of the pensions for the royal concubines. These cases had some interesting points in common. In addition to changes which affected the royal family members in general, they also illuminated how the high ranking royals saw the new system of the management of royal property and finances.

#### 4.1 The Royals After the Revolution

The royal families had high privilege in Thai society, due to being of the same blood as the King. After the monarchy centralized the state's power in the mid-19<sup>th</sup> century, the royals' birthright was more obviously emphasized. During the absolute regime, the royal families controlled the administration of the state. The high ranking royals, i.e., King Chulalongkorn's younger brothers and sons, were sent abroad for their studies and held important positions in the

government after they returned. The lower ranking royal family members also served as state's officers. In comparison with the aristocrat group, which coexisted with them in Thai society for centuries, the royal family had upgraded their status through rituals, ceremonies, conventions, and language.<sup>1</sup> This elevated position brought about social and economic privileges over other groups of elites.

In the old regime, the fortunes of the royal family members were allocated by the King. Nakarin Mektrirat suggests that a common ideal thought to be held by the royals was their duty to the throne, so almost all male royals would gain positions as state officers after their graduation. Thus, their monthly income came from the state. Nevertheless, Nakarin argues, their incomes were not salary in the modern sense, because the royals held that the money they earned depended on the King's mercy: it was not a payment for a job, rather, it was a reward from the monarch for their duties.<sup>2</sup> In the meantime, the female royals did not serve as civil officers, due to the tradition of the period. Thus, they gained incomes only from the annuity award of monies which was also held to be by the monarch's mercy; female royal family members in some special cases could also ask the King for money.<sup>3</sup> The King also provided a pension for the female royals only. These income sources were not regulated in any way. They completely depended on the monarch who would decide how much each royal would gain. Nakarin suggests that such a pattern produced inequality among the royal family members.

Additionally, some royals had turned to business investment, due to the economic chances resulting from the 1855 Bowring Treaty. The royals were the first elite group to invest in

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<sup>1</sup> Nakarin Mektrirat, *The Siamese Revolution B.E.2475* (Bangkok: Social Sciences and Humanities Textbooks Project Foundation, 1992), chapter 2

<sup>2</sup> *Ibid.*

<sup>3</sup> Some evidence indicated that King Chulalongkorn might have provided special money for some male royals as well. For example, the King approved Prince Boribhat's requirement for 8,000 baht for his new residence building. Prince Boribhat to King Chulalongkorn, 20 March 1906 in Princess Siriratbussabong, *Biography of Prince Boribhat*, 1981, pp.11 - 12

real estate, paving no-man land for more areas of farming, constructing buildings for rent and sale, and other enterprises. Some royals close to the King would deposit their capital with the Privy Purse, which acted as their proxy in the investment. However, Chollada Watthanasiri suggests that the Privy Purse's ventures declined in the 1920s compared to its activity in the Fifth Reign.<sup>4</sup> This decline inevitably affected some royals' fortunes.

Nakarin has further suggestions. Most of the royal family members had encountered economic difficulties for a decade before the 1932 Revolution, due to the inequality of the royals' incomes, failed investments, and their over-spending. Their expenses all stemmed from their luxurious royal life. In the residence of a high ranking royal there were many people living under their patronage. Festivities were always held in royal residences. Furthermore, each royal family member might have hobbies, such as book publishing or collecting antiques, all of which required large amounts of money.<sup>5</sup> Thus, most royals were economically stagnant since the late old regime.

In spite of their economic problems, the royals were still criticized by the public due to their royal privileges. Compared to other social classes, the royal family members enjoyed a higher living standard. In addition, many economic policies of the absolute government targeted groups other than the royals. For example, the middle rank civil servants were laid off and endured new taxation in Prajadhipok's reign, yet the royal family members were immune. Such discrimination was one of the factors which triggered dissatisfaction toward the King's government and the royals. As mentioned previously, the economic impotence of the government was a major explanation for the 1932 Revolution. Due to their perception about the political revolutions occurring in other countries, the royals were aware of their risks. Concern for their

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<sup>4</sup> Chollada Wattanasiri, "Investment of the privy purse, 1890-1932," chapter 4

<sup>5</sup> Nakarin Mektrairat, *The Siamese Revolution B.E.2475*, chapter 2

physical safety, independence, and property security, were generally felt by the royal family members before and after the Revolution.

When the Revolution took place, the royals were inevitably affected, both politically and economically. First, their political positions were abolished. High ranking royals who were ministers in the old regime were removed. In addition, the Constitution also prohibited the royals from participating in politics, which meant that the royal family members could not take any position either in Parliament or the Cabinet. This in turn led to some economic problems due to the loss of their monthly incomes.<sup>6</sup> This also affected lesser royals because their lives depended on their superiors' prosperity. Their royal luxurious lives had to be suspended. Further, the decrease in the royal court's annual allocation eventually affected their annuity.

The removal from government positions of the high ranking royals brought about a decrease in the influence of the royal family members in society. During the political conflicts after the Revolution, the royals gradually left Siam, especially after the Baworadej Rebellion. The most important royals who left were King Prajadhipok and Queen Rambai Barni: the royal couple departed for Europe in January 1934, only four months after the Rebellion. At that time, there were only a few significant royals in Bangkok. Prince Baribhatr, the most influential royal in the old regime, had left for Bandung since the Revolution took place. Prince Damrong, who always remained close to King Prajadhipok during the political conflicts, decided to move his family to Penang. After the departure of the King, there was only Prince Naris, the Regent, who remained in Bangkok working and negotiating with the People's Party government. The most senior royal living in Siam was Queen Savang, but, for the most part she did not have any influence on the administration.

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<sup>6</sup> Thamsuk Numnond, *The Political Drama of 24 June 1932* (Bangkok: Association of History, 2002), chapter 3

#### 4.2 Queen Savang Vadhana and Crown Property Management

During the absolute regime, the Privy Purse managed the private property not only of the monarch, but also of some high ranking royal family members, especially those close to the King. For example, Chao Phraya Sriphiphat, the Director of the Privy Purse, was also appointed as the manager of Queen Saovabha's assets.<sup>7</sup> This pattern endured until after the 1932 Revolution. The Privy Purse, a department under the Ministry of the Royal Household, was still responsible for the management of the private property of King Prajadhipok and other royals. This was why those royals tried to have their assets returned to them when the government expanded its power over the crown's property, especially after the promulgation of the 1934 Tax Exemption for the Crown Property Act.

The transfer of the power to manage the crown property from the monarch to the government also brought about tensions between the administrators and other royal family members. The case of Queen Savang Vadhana, the grandmother of King Ananda and King Bhumibol, is a good example. Queen Savang (1862 – 1955) was born to King Mongkut and *Chao Chom Peam*; she and her sisters, married their half-brother, King Chulalongkorn. Savang gave birth to Prince Vajirunnahit, the first Crown Prince of Siam, who unfortunately died in 1894; after his death, the right in royal succession shifted to Queen Saovabha's children. When King Prajadhipok, the last child born to Saovabha, abdicated in 1935, the right to succeed returned to Savang's grandson, Prince Ananda. The Queen's biography stated that her memory was poor during the last decade of her life. She reportedly did not even recognize the mysterious murder of King Ananda.<sup>8</sup> After King Prajadhipok abdicated, King Ananda had been living in Switzerland

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<sup>7</sup> Chollada Wattanasiri, "Investment of the privy purse, 1890-1932," p.23, and *A Biography of Chao Phraya Sriphiphat* (The Funeral Memorial Book) (Bangkok: Thai Kasem, 1958), p.12

<sup>8</sup> Somphop Chandaraprapha, *Queen Srisawarinthira* (Bangkok: Siam, 1968), p.512



for his studies, so Queen Savang was the highest rank of royal family members residing in Siam. The government had given her authority in some significant royal affairs, such as the decision to invite King Ananda to visit Siam. Some incidences in which the Queen was involved illustrated a high ranking royal's view on the changes in power over the crown property.

#### 4.2.1 The Decision over the Crown Property

During the investigation of the assets in the reservation of the Privy Purse in 1935, the CPCC found that there were coffers of royal property deposited to Hong Kong and Shanghai Bank. Prince Aditya, President of the Council of Regency, informed the CPCC that the assets in the coffers were the inheritance of Queen Saovabha.<sup>9</sup> In the meantime, Prince Wan told the Cabinet that there a plane had crashed into the Grand Palace during the Boworadej Rebellion, after which *thaow* Worakhananan, a servant who looked after the royal properties, asked King Prajadhipok to deposit them to the bank. After the King agreed, Chao Phraya Woraphong, the Palace Administrator, and Chao Phraya Sriphiphat, Director of the Privy Purse, brought those assets to Hong Kong and Shanghai Bank.<sup>10</sup> The CPCC tried to obtain those coffers to investigate whether there were some properties of the crown inside. After negotiation with both the bank and the royal court, the committee was able to withdraw 11 coffers.<sup>11</sup> After that, the CPCC held a meeting to consider the status of those properties. They invited Queen Savang to be the meeting's chairwoman to recognize her honor.

Examining the list of those who attended the meeting, this investigation seemed to matter to the royal court. People from the palace circle included Queen Savang, the Regent, and

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<sup>9</sup> Report number 1 of the Meeting to open the royal coffers, 14 July 1936 in N.A.(3)SR0201.65.1/6

<sup>10</sup> Record of the Cabinet Meeting, 9/1936, 3 June 1936

<sup>11</sup> While *thaow* Worakhananan insisted that she would not give the documentation of the contents of the coffers to the government unless she was ordered to do so by King Prajadhipok, the bank was afraid that it would be held guilty if they let the coffers be withdrawn.

the representatives of those who claimed right over the inheritance of Queen Saovabha, namely, the proxies of King Prajadhipok, Prince Chula Chakkrabongse, Princess Phetcharat<sup>12</sup>, and Princess Sutthisirisobha<sup>13</sup>, as well as the palace's servants who took care of the royal properties (*thaow* Somsak and *thaow* Songkandan). The delegates of the government were Phra Dulayatharn and Luang Damri from the CPCC. According to the report the CPCC submitted to the Cabinet, most of the conversation in the meeting was the contention between the two sides, especially Queen Savang, Prince Upaleesan, and *thaow* Somsak. The issue over which they could not reach agreement was the power to decide the status of the properties under consideration. The CPCC's representatives tried to explain to Queen Savang that her opinions were only considered as guidance and the true authority of decision belonged to the Cabinet. However, the Queen and her followers insisted that what she indicated would decide matters.<sup>14</sup> What the Queen understood of the meeting probably reflected that changes in the management of the crown property were not conceded by the royal family members. As a result, the constitutional project over the royal affairs the People's Party tried to establish was pursued without the true collaboration of the royals, and in the end did not last long.

Another issue concerned the recording and retaining of the properties in the coffers. Eventually the meeting complied with Queen Savang's assertion that coffer number 5 was the personal asset of Queen Rambai Barni (see section 4.2.2). The CPCC wanted to record everything in the coffer in detail as much as possible. However, it contained very small items of jewelry, so the record could not be completed in time. The CPCC's delegates suggested keeping the coffers at the Ministry of Finance, but the royal court did not agree with this suggestion,

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<sup>12</sup> The single daughter of King Vajiravudh

<sup>13</sup> Daughter of Prince Chudhadhut, a son of Queen Saovabha

<sup>14</sup> Chairman of the CPCC to Cabinet Secretariat, 21 July 1936 in N.A.(3)SR0201.65.1/6

since, if the coffer was considered to be the personal belonging of Queen Rambai Barni, it should not be held by the government. The result of this meeting was not decisive since the Cabinet had the final decision.

The CPCC suggested to the Cabinet that coffer number 5 was the private property of Queen Rambai Barni as Queen Savang stated. Phraya Chaoyossombat, the Minister of Finance and the Chairman of the CPCC, encouraged the Cabinet to let Queen Rambai Barni receive the asset, for the government would not be perceived to be trying to seize private property of any royal. In addition, accommodating Queen Savang in this matter would make further investigation and categorization of the properties easier, the Minister argued.<sup>15</sup> The Cabinet approval led to a formal ritual to deliver the assets to Queen Rambai Barni held. The delivery ritual was held in the Grand Palace, attended by the Council of Regency, Phraya Charti Dejudom (the Lord Chamberlain), and *thaow* Somsak, who acted as the proxy of Queen Rambai Barni. Chao Phraya Woraphong and Chao Phraya Sripiphat were witnesses. The delivery was recognized by the signatures of all parties and all assets were also formally recorded.

In her interview published in 1973, Queen Rambai Barni stated that after King Prajadhipok's abdication the government seized all of her personal assets including "a golden coffer King Vajiravudh gave me in my wedding ceremony."<sup>16</sup> The Queen did not mention the delivery of coffer number 5 described above, although the reason for her not mentioning it is not known (the CPCC did send her documents acknowledging the delivery and the list of all assets).

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<sup>15</sup> *Ibid.*

<sup>16</sup> Queen Rambhaibhani, "An Interview," in *The Beginning of Democracy: Memories of the Contemporaries*, B.E. 2475-2500, p. 15

#### 4.2.2 Queen Savang's Request for Her Personal Properties

Queen Savang was one of the royal family members who deposited their assets with the Privy Purse. There was no evidence which indicated the value of her properties. The property held by the Privy Purse for the Queen most likely concerned business investments. The value of the Queen's assets should be very great because in 1936 she claimed that the interest it produced amounted to 70,000 baht.<sup>17</sup> In February 1936, Queen Savang requested the return of her assets held by the Privy Purse, which included: 1) her private assets, 2) Princess Phetchaburi's assets, 3) Prince Songkhla's inheritance, and 4) King Ananda's properties. Prince Wan, the Cabinet's advisor, suggested that the government should refute the Queen's request. The Prince argued that if Queen Savang, who was the present King's grandmother, were to withdraw her assets from the Privy Purse, it would tarnish the government's image. The Cabinet decided to delay the queen's demand.<sup>18</sup> However, Queen Savang again asked for her assets, this time through the Regent. Consequently, the government tried to negotiate with the Queen.

Before the negotiation began, the Cabinet tried to define the legal status of the assets the Queen had requested. Prince Wan changed his position, and he suggested that the government should return the first two assets listed previously so that it would 'not... be said the government trying to seized the Queen's properties.' Prince Wan also suggested that the Council of Regency should have power over the management of the third asset, a huge inheritance which Prince Sonkhla clearly specified that he wanted the monarch to control; the Regent should also, Prince Wan argued, have control of the fourth asset. The Prince suggested that it would have been against Prince Sonkhla's intention if the government had given his heritage to Queen Savang.<sup>19</sup> It

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<sup>17</sup> Record of the Cabinet Meeting, 48/1936, 5 October 1936

<sup>18</sup> Record of the Cabinet Meeting, 118/1935, 10 February 1936

<sup>19</sup> Record of the Cabinet Meeting, 126/1935, 28 February 1936

was obvious that the Cabinet's purpose in the negotiation was to persuade the Queen not to take these assets from the Privy Purse.

However, the government's effort at negotiation failed. Initially, the Regent suggested that to summon the Queen might have insulted her. Rather, the government's delegates and the Regent should meet the Queen at her royal residence, and the Cabinet agreed.<sup>20</sup> However, the Queen refused to allow the government's representative to meet with her. Her reason was that to ask for her assets did not involve politics, so the government had nothing to do with it. The Regent tried to explain that the Privy Purse had already been transferred to be under the government's control, and that the Regent's work in the constitutional regime must be approved by the government, thus there always had to be a delegate of the Cabinet in the meeting. Queen Savang still insisted on her position. Consequently, the Cabinet abandoned the negotiation.

The Queen's position was perhaps understandable. Due to her long life experience under the absolute regime, in which only the King had control over crown property and other state affairs, it was unacceptable for her to see those affairs under the authority of the common people such as the People's Party. This opinion seemed to diffuse among royal family members. This disagreement was significant, since it revealed that the effort of the new leaders to establish constitutional monarchy through the management of the crown property was pursued without the collaboration with the royal court. For this reason the constitutional pattern of crown property management did not last long in Thailand.

#### 4.3 Backgrounds of the Annuity and the Pension

The annuity was regulated in the reign of King Rama V. Its precise history was unknown. However, the announcement publishing the regulation indicated that the King's

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<sup>20</sup> Record of the Cabinet Meeting, 127/1935, 2 March 1936

patronage provided for the royal family members formerly comprised money (payments on a yearly, half-yearly and monthly basis) and other objects. According to the announcement, the previous payments were not properly regulated. The amount distributed to each royal differed: some were only granted an annuity but others also were given monthly payments. Moreover, the announcement indicated that some objects given to the royals were not useful. Thus, King Chulalongkorn issued an order to regulate the payment. The King collapsed all kinds of payment to only the annual basis. The regulation also abolished the giving of objects and converted their value to money. The annuity for each royal was different in value, based on their royal rank and length of service in the bureaucratic system. Generally, there were three ranks of annuity: 20 *chang* (1 *chang* = 80 baht) (paid on a quarterly basis), 10 to 20 *chang* (paid once every six months), and less than 10 *chang* (paid once a year). The royal family members who were allowed to receive annuities had to acquire the money themselves at *Ho Rassadadornphiphat*.<sup>21</sup> Considering the period when the announcement was published (June 1891), only one year after the establishment of the Ministry of Finance and the Privy Purse Department, the regulation of the annuity for the royals was a part of Siamese fiscal reform. The King tried to systematize the royal court's expenditures, as the regulation certainly determined the amount of money and the period of payment.

However, it was not certain whether the annuity would be allocated from the budget of the Privy Purse, which was held as personal expenditures of the sovereign, or from the Ministry of Finance. As mentioned previously, the Privy Purse was established as part of the separation of the private budget of the King from the state's budget. Although the announcement did not

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<sup>21</sup> "Announcement of the Annuity of the Royals," *Royal Gazette* 8,12(21 June 1891): 92-93

mention this point, information published after the 1932 Revolution indicated that the annuity was paid from the Privy Purse.

Regarding the pension provided for King Chulalongkorn's concubines, it was another expenditure initiated by the King. In 1906, the King determined the amount of money to be provided for his consorts working in the inner royal court, because these court women were not able to receive the same pensions as the male bureaucrats. Consequently, the King allocated the rent from parcels of the Privy Purse's land to finance the payment. Those who were named to have the pension were King Chulalongkorn's queens and concubines, and their descendants were able to inherit the money as well. The right to acquire this money would last until the receiver's royal rank was the lowest (*mom luang*), after which the rent would return to the Privy Purse. The King also determined conditions for not awarding the money. If any concubine had bad manners, then the money would be passed to her descendants. If any descendant had immoral behavior, then the money would be distributed to other rightful persons.<sup>22</sup> The payment of the pension for King Chulalongkorn's concubines lasted to the period after the Revolution, and the new leaders continued to manage the money in accordance with the King's order.

How important was the annuity for the royals? Since the royal family members, especially the males, believed that serving as civil officer was their royal duty, most of them worked for state organizations, thus the monthly money was their main income. The annuity was another source of income which helped to secure the royals' economic stability since, as they were removed from their governmental positions after the Revolution, their monthly salary disappeared. The annuity was one of their remaining sources of incomes, but it did not suffice annuity to maintain the same way of life they enjoyed in the old regime. Suffering by economic

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<sup>22</sup> N.A. R.5 RL.6/5

difficulties since the absolute era, the royals' luxurious life was decisively ended by the 1932 revolution. The changes in Prince Damrong's life style were informative. According to Nakarin, the Prince had been paid 3,700 baht per month in the absolute period, and other sources indicated that his annuity was 6,000 baht; combining these figures suggests that Prince Damrong's income was 4,200 baht a month. Nakarin indicates that the Prince had tended to overspend his income since the old regime, which inevitably affected his way of life: he could not recruit new servants, for instance. After the Revolution, Damrong was removed from his position of senior minister, so his remaining income was only the annuity (500 baht per month). Although the amount of the annuity was less than the monthly money he was formerly paid, in such a situation it could help the royals to live in the new regime. Certainly the royal luxurious life had to be suspended.

The annuity also had cultural implications. Since it was reserved for the royal family members, the annual sum was a symbol of royal status. Designated by the King himself, it also represented the intimacy between the sovereign and the other royals. Receiving the annuity helped maintaining the royalists' privilege. Its cultural aspect would be expressed during the debate between the Regent and the Cabinet over the authority to manage the annuity.

#### 4.4 The Power to Manipulate the Annuity for the Royals after the 1932 Revolution

The changes in the management of the annuity, which were similar to those made elsewhere in the royal court's management, were significant in the politics of Thailand's modern history. The annuity, which had symbolized the prestige of being a royal family member, was now controlled by the Cabinet (comprising commoners) not by the Lord of Life.

The power in management of the annuity was changed in accordance with the administrative and financial transformation of power of the royal court. During a year and a half after the Revolution when the Ministry of the Royal Household was replaced by the Office of the



Palace Administration, the annuity became one of the budgets that the government provided for King Prajadhipok, and the King managed such budgets himself without being subject to government investigation. Thus, during that time the management of the annual grant was still a royal power, which resulted in the 1932 budget undisclosed both in value and how it was spent. However, in a letter dated 7 August 1932, Queen Savang indicated that her annuity was reduced by 25 per cent.<sup>23</sup> This letter has been often cited as evidence showing the effect of the Revolution on the members of the royal family.<sup>24</sup> However, as mentioned previously, in early August 1932 the budget for the monarch was still the same amount as before the Revolution. King Prajadhipok still managed the budget himself; thus, the decrease in the annuity of Queen Savang and other royal family members in 1932 was performed by the King. As mentioned previously, two months before the Revolution the absolute government reduced the budget for the monarch from 5 to 4.5 million baht due to the economic downturn.<sup>25</sup> Evidentiary documents in 1933 indicated that the annual grant was allocated for 286,386 baht as part of the 3 million baht the government provided for the King.<sup>26</sup> Until the reestablishment of the Ministry of the Royal Household in December 1933, the annuity for the royals had been a royal power the King could control as he wished.

Changes in the Office of the Palace Administration led to changes in the power to manage the annuity. When the Ministry of the Royal Household was reestablished, the annuity was one of the budgets which were transferred to the government's power. The power left to King Prajadhipok was only that over his personal allowance, which in 1934 was allocated

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<sup>23</sup> Queen Savang to Princess Abhassarabha Devakul, 7 August 1932, *Princess Kaew* (n.d.), no page number

<sup>24</sup> Nakarin Mektrairat, *The Siamese Revolution B.E.2475*, p.44 and Virayuth Peesalee, "'Feudalist Female Merchants': The Adaptation of Female Royals after the 1932 Political Change," *Silapa Watthanatham* 36,10 (August 2011): 77

<sup>25</sup> "The State Budget, B.E. 2475," *Royal Gazette* 49(April 2475): 309-315

<sup>26</sup> Director of the Department of the Privy Purse to Minister of the Royal Household, 1 January 1934 in NA (3)SR.0201.4.1/4

600,000 baht. The annuity for that year was 279,000 baht.<sup>27</sup> This change would not have brought about any argument if some royals' grants were cut completely, which raised the significant question whether the power to provide the annuity still belonged to the monarch or it had been already transferred to the Cabinet. During late 1934 when Prajadhipok resided in England, there arose an argument between Prince Naris, (the Regent) and the Cabinet over the annuity. First, the Cabinet had canceled the annual grant for three royals who died in that year, contrary to the Regent's orders. Second, the Regent had ordered that the annuity for those royal family members who were found guilty of involvement in the Baworadej Rebellion<sup>28</sup> be reduced to the minimum amount.<sup>29</sup> However, Phraya Manawaratchasewi, the Minister of Finance, disagreed with the Regent. According to the Ministry's regulations, the salaries and pensions of the civil servants who were involved in any rebellion would be cut; thus, those royals' annuity should be canceled, the Minister argued. Phraya Man submitted the issue to the Cabinet.<sup>30</sup> The resolution of the Cabinet, which agreed with Phraya Man<sup>31</sup>, brought about conflict between the government and the Regent.

The main focus of the argument concerned the power to allocate the annuity. Prince Naris insisted that although the royal court's organization had been already transferred to the government's command, the annuity remained one of the royal prerogatives, and the King performed his power through the Regent. Thus, to dismiss the annuity of those royals was

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<sup>27</sup> NA (3)SR.0201.4.1/4

<sup>28</sup> Prince Baworadej, Prince Sitthipon, Prince Sukhaprarop, Prince Wibulsawatwong, and Princess Phajongjit

<sup>29</sup> Naris to Chao Phya Sriphipatr, 24 September 1934, in Office of the Cabinet Secretariat, (2) SLK 3.22/10 While Prince Baworadej and Prince Wibulsawatwong would receive 100 baht, other royals gained 40 baht each.

<sup>30</sup> Phraya Manawaratchasewi to Prime Minister, 16 November 1934, in Cabinet Secretary Office, (2) SLK 3.22/10 Annual Sum of the Royals

<sup>31</sup> Record of the Cabinet Meeting, 24/1934, 21 November 1934

intentionally against the King's royal command, the Regent argued.<sup>32</sup> The Cabinet claimed that the management of the annuity was no longer under royal power. The personal budget of the King had been separated from the royal court's expenses. The annual grant for the royals was contained in the latter budget; thus, its allocation must be in accordance with the Ministry of Finance's regulations.<sup>33</sup> Unfortunately, the arguments ended without consensus upon King Prajadhipok's abdication and the power to manage the annuity fell under the government's control without true agreement from the royal court circle.

After the abdication, the Cabinet controlled the palace's budget. The government created a regulation to operationalize the payment of the annuity, which was initially suggested by the Fiscal Committee of the House of Representatives during the budget investigation for the 1935 fiscal year. As previously mentioned, the royal court's budget in the new reign was reduced and re-categorized. The committee proposed to have the annual grant decreased from 279,000 to 200,000 baht. In addition, a set of conditions for receiving the annuity was also suggested. Firstly, a royal must be at least '*mom chao*', the lowest rank of the royal family. Secondly, a royal must reside in Siam at least 6 months a year, except for those who were abroad for reasons of public service or education. Thirdly, the maximum amount of the annual grant was 3,000 baht. Lastly, the annual grant of the royal who had behaved badly would be canceled.<sup>34</sup> These preliminary conditions would cause contention between the royal court and the new leaders even after Prajadhipok had abdicated.

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<sup>32</sup> Royal Private Secretary to Prime Minister, 7 February 1935 in Office of the Cabinet Secretariat, (2) SLK 3.22/10 Annual Sum of the Royals

<sup>33</sup> Record of the Cabinet Meeting, 62/1934, 18 February 1935

<sup>34</sup> Minister of Palace to Prime Minister, 18 March 1935 in N.A. (3) SR0201.4.1/4

#### 4.5 The Annuity after the Abdication

After King Prajadhipok abdicated, Prince Naris did not accept to the position of Regent for the next monarch. Parliament issued a resolution determining the Regency would be a group rather than one man. The House selected Prince Anuwatr Chaturont, Prince Aditya, and Chao Phraya Yommarat to form the Council of Regency. This Council was under pressure from its beginning due to its role as intermediary between the government and high ranking royal family members. Such pressure might be one of the reasons for the suicide of Prince Anuwatr on August 12, 1935, only six months after he accepted to the position of the President of the Council of Regency. One of the conflicts over changes in the royal court was the regulation of the annuity for the royals.

##### 4.5.1 Transition and Conflicts

Prince Anuwatr Chaturont (1883 – 1935) was born to Prince Chaturont Rassami, a younger brother of King Chulalongkorn. According to Princess Phunphissamai, Prince Anuwatr was unable to study abroad due to congenital poor health, so he studied in the Siamese military school. He then served as a royal guard for King Vajiravuth and Queen Saovabha. In the seventh reign the Prince worked for the Department of the Royal Secretariat. Phunphissamai noted that Prince Anuwatr was well-known as a follower of King Prajadhipok, so it was unclear why the government chose him to be the President of the Council of Regency.<sup>35</sup>

There were two changes made to the annuity after the abdication. Firstly, it was re-assigned from the Ministry of the Royal Household's budget to the central budget. As a result, the government could directly control the allocation of the annuity. Secondly, the government

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<sup>35</sup> Princess Phunphissamai Dissakul, *What I Have Seen: A History of the 1932 Political Change* (Bangkok: Matichon, 2001), p. 169

began to regulate the annuity, beginning with royals who lived abroad, and later including all royal family members.

Prince Wan, the advisor to the Cabinet, explained that:

The committee considers this money [the annuity] as an amount for maintaining the royals' honor in the country. Because they are members of the royal family, they have a special treatment in accordance with Article 11 of the Constitution.<sup>36</sup> Thus, [the government is] providing this money for their honor only when they are in the country. Those royals residing overseas with the government's permission will have this amount of money as usual, but the committee suggests that those going abroad without the government's approval should be dismissed to receive their annuity.<sup>37</sup>

Prince Wan's explanation might be considered in two ways. Firstly, the Prince changed the base of legitimation of the annuity from the King's mercy to a constitutional foundation. Secondly, the regulation was one of the means the government used to control the royal family members.

The separation of the management of the annuity from the royal power led to disagreement between the Council of Regency and the new leaders. The Regent indicated that the committee's proposals "were the intervention to the royal power"<sup>38</sup> and claimed that the annual grant should be a part of the budget the government provided for the King which he could spend

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<sup>36</sup> According to Article 11 of the 1932 Constitution, the royals who had the royal rank of *Mom Chao* or higher were not allowed to be involved in official politics.

<sup>37</sup> *Minutes of the National Assembly Meeting*, 64/1934 (Regular), 30 March 1935

<sup>38</sup> Royal Private Secretary to Minister of the Royal Household, 19 March 1935 in N.A.(3)SR0201.4.1/4

as he chose. The Minister of the Royal Household maintained that a maximum amount of 3,000 baht was too low. He also argued that the annuity used to under a royal power, so the Cabinet should refuse the committee's suggestion and leave the power to determine the regulation to the Council of Regency.<sup>39</sup> Arguments of the Regent and the Minister of the Royal Household were based on the absolutist principle that held the annual grant as a royal prerogative. Thus, they disagreed with the new regulation by which the annuity for the royals would be managed.

The Cabinet agreed with the committee's conditions, except the third.<sup>40</sup> After that, the government and the committee met again to consider the Fiscal Bill, and reached agreement over the annuity: It would be re-assigned from the Ministry of the Royal Household's budget to be a part of the central budget, which was directly controlled by the Cabinet. The third condition was dismissed.<sup>41</sup> However, the Cabinet did not mention the remaining three conditions.

Nevertheless, when the 1935 Fiscal Year Act was promulgated, the Cabinet had not yet initiated any formal regulation of the annuity. The Regent asked the Cabinet whether the committee's conditions had been made into formal regulation, especially the condition concerning the grants of the royals residing abroad.<sup>42</sup> The Cabinet, however, did not answer such questions directly. The new leaders only replied that the government would consider the provision of the annuity on a case by case basis rather than issue any formal regulations.<sup>43</sup>

However, the regulation of the annuity was eventually performed first via a Cabinet resolution rather than by announcing a regulation. Since the schedule of payment was coming,

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<sup>39</sup> Minister of the Royal Household to Prime Minister, 18 March 1935 in N.A.(3)SR0201.4.1/4

<sup>40</sup> Record of the Cabinet Meeting, 74/1934, 20 March 1935

<sup>41</sup> Minister of the Royal Household to Prime Minister, 23 March 1935 in N.A.(3)SR0201.4.1/4

<sup>42</sup> Minister of the Royal Household to Prime Minister, 20 April 1935 in Office of the Cabinet Secretariat, (2) SLK 3.22/10

<sup>43</sup> Record of the Cabinet Meeting, 9/1935, 29 April 1935

the Regent required of the Cabinet a quick consideration.<sup>44</sup> In addition, Chao Phraya Woraphong, the Minister of the Royal Household, provided a list comprising those royals residing overseas for consideration by the Cabinet. The list did not include much detail but merely categorized the royals into four groups by the leader of each family.<sup>45</sup> Those family leaders were Prince Boribhatr, Prince Sawati, Prince Bhurachatra, and Prince Damrong respectively. The Cabinet asked the Minister of the Royal Household to deliver a more detailed list.<sup>46</sup> Chao Phraya Woraphong delayed for about a month before submitting a new list. The Minister also required of the Cabinet a quick consideration because there were some royals who did not have other sources of income besides the annuity.<sup>47</sup>

After considering the new list, the Cabinet set a rule to determine the allocation of the annuity. This rule conformed to Prince Wan's suggestion to Parliament during his discussion last year, and focused mainly on the royals who lived abroad. According to the rule, each royal's annuity would be abolished unless they stayed in the country more than six months a year. Otherwise, they needed to submit a reasonable explanation to the government why they could not do so, and the Cabinet would consider the requirement on a case by case basis. In addition, the rule did not cover the royals who were students studying abroad.<sup>48</sup> This was the first time the Cabinet had set a resolution for managing the annuity.

The Cabinet considered that there were 29 royals, both males and females, who did not meet the conditions. Some royal families are worth mentioning: Prince Damrong and those in his

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<sup>44</sup> Minister of the Royal Household to Prime Minister, 27 May 1935 in Office of the Cabinet Secretariat, (2) SLK 3.22/10

<sup>45</sup> Minister of the Royal Household to Prime Minister, 24 May 1935, in Office of the Cabinet Secretariat, (2) SLK 3.22/10

<sup>46</sup> (copy) Record of the Cabinet Meeting, 17/1935 in Office of the Cabinet Secretariat, (2) SLK 3.22/10

<sup>47</sup> Minister of the Royal Household to Prime Minister, 25 June and 5 July 1935 in Office of the Cabinet Secretariat, (2) SLK 3.22/10

<sup>48</sup> Record of the Cabinet Meeting, 35/1935, 8 July 1935

Dissakul family, Prince Sawat and his Sawatiwat family members, Prince Bhurachatra, and Prince Sinhawikrom. Most royals whose annuities were not dismissed were students, besides those in the Mahidol family, Prince Boribhat and those in his family.<sup>49</sup> However, this determination was not finalized. The Cabinet ordered the Minister of the Royal Household to ask those royals to explain their reason for staying overseas. If the Cabinet considered those explanations valid their annuity would not be canceled. Although some royals continued to receive their grants through this process<sup>50</sup>, the Cabinet dismissed others' requirements.

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<sup>49</sup> Cabinet Secretariat to Minister of the Royal Household, 10 July 1935 in Office of the Cabinet Secretariat, (2) SLK 3.22/10

<sup>50</sup> Minister of Palace to Prime Minister, 31 July 1935 in Cabinet Secretary Office, (2) SLK 3.22/10, and Record of the Cabinet Meeting, 50/1935, 14 August 1935



<b>Family</b>	<b>Name</b>	<b>Amount (baht)</b>
Dissakul	Prince Damrong	6,000
	Prince Achawadis	40
	Princess Phunphissamai	80
	Princess Philailekha	80
	Princess Phathanayu	80
	Princess Raohinawadi	40
Sawatiwat	Prince Sawat	6,000
	Princess Abhabhani	1,200
	Prince Supphasawat	80
	Prince Sophonparadai	80
	Prince Phirayosyukala	80
	Prince Nondhayawat	80
	Prince Nangkulsawat	80
Chatchai	Prince Bhurachatra	6,000
	Princess Prabhawasitnarumol	1,200
	Princess Mayurachat	200
	Princess Wimolchat	120
	Princess Chatsuda	40
	Princess Kanchanachat	40
Wutthichai	Prince Sinhavikrom	6,000
	Princess Suwaphapphraophan	100
	Princess Kanthornsarangsi	80
Yukala	Prince Bhanubhan	400
	Princess of Prince Bhanuphan	40
other	Princess U-thong	6,000
	Princess Prawesworasamai	2,400
	Princess Hemwadi	2,400
	Prince Thawonmongkolwong	400
	Prince Patiphanwong	40

Table 4.1: Royals whose annuities were dismissed in 1935<sup>51</sup>

<sup>51</sup> Cabinet Secretariat to Minister of Finance, 10 July 1935 in Office of the Cabinet Secretariat, (2) SLK 3.22/10

The decision to dismiss the annuity of those 29 royals had some consequences. First, in addition to those royals in the Mahidol family, Prajadhipok and Rambhaibhani, and the students whose annuities continued, the annual grants of Boribhatr family exiled in Bandung were retained as well. This might be due to the fact that Prince Boribhatr was a royal who had left Siam for Bandung after the 1932 revolution as a part of his arrangements with the new leaders.<sup>52</sup> Thus, the Cabinet in 1935 held that the Prince departed with the agreement of the government, so the Cabinet maintained the annuities of the Prince and his family. However, the royals whose annual grants were suspended had left Siam without the government's approval. Some of them departed the country during the political crisis in which the royal family members and the new leaders confronted each other, such as Prince Sawati and Prince Damrong.<sup>53</sup> Thus, the annuities of those families were cut. Secondly, some of the annulment decisions did not conform to the rule. According to the regulation, annuities of those royals who were students would not be dismissed; however, the annual grants of the daughters of Prince Bhurachatr, who followed their family to study in Singapore, were suspended. The Cabinet seemed to ignore this fact.

How did the royal family members respond to the annuity regulation? After the rule was issued, Chao Phraya Woraphong, the Minister of the Royal Household, informed those royals whose annuities were dismissed, let them know the regulation, and asked them to explain the reason why they stayed abroad. Only 10 royals replied to the Minister. As mentioned previously, the significance of the annuity was different to each of the royals. Generally, its cultural implication was more important than its economic value: it was the symbol and privilege of being a royal. The King had formerly allocated the annuity directly, so it could be interpreted as a

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<sup>52</sup> Princess Siriratbussabong, *Biography of Prince Boribhatr*, pp.63 - 64

<sup>53</sup> The departure of Prince Damrong and his family for Penang in November 1933, a month after the Baworadej Rebellion was narrated in Princess Phunphissamai Dissakul, *What I Have Seen (Last Episode)* (Bangkok: Matichon, 2003), pp. 102-107

signal of how close the monarch was to each royal. Economically, there were only 88 from almost 600 royals whose annual annuities were equal to or more than the lowest salary of the Siamese civil servants working for the bureaucracy at that time. Thus, most royals likely did not depend on the annuity as their primary source of income; instead, it served as a complement to other income sources. However, most royal family members had been removed from their bureaucratic positions, so the annuity's economic importance increased, especially for those royals whose grants were large. They might not be indigent but their customary luxurious way of life could not be maintained.

Prince Damrong and his family were good examples of this situation. In addition to his 6,000 baht annuity, the Prince had a monthly pension and a special gift from King Prajadhipok of 800 baht a year. Moreover, he had invested in the stock purchase. These incomes were used for his family's expenditures. When Prince Damrong left Siam for Penang, the expenses of his family increased, so the annuity became an important income which made his hobbies possible. The Prince could go golfing and take vacation abroad. However, when he was informed that the Bhahol administration had issued a regulation with conditions for the annuity allocation, Prince Damrong dismissed it out of hand. Princess Phunphissamai, Damrong's daughter, recorded the Prince's response: "my father definitely [was] determined not to crawl back for the money."<sup>54</sup> His reply to the Minister of the Royal Household was only a notification: he neither mentioned the government's conditions nor explained the reason he resided abroad. Prince Damrong's response could be explained as followed. First, as a royal who had been a political antagonist of the leaders of the 1932 Revolution, the Prince could not comply with the latter's conditions. Second, Prince Damrong prioritized the cultural meaning of the annuity over its economic value. When it was no

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<sup>54</sup> *Ibid.* p. 124

longer allocated by the King, the annuity had no meaning for the Prince. Moreover, it was now controlled by his political enemy, so to adhere to the government's requirement was definitely unacceptable. For Prince Damrong, although the traditional annuity which was paid by the King would be decreased, he willingly accepted it. [He] "still felt it was a great royal mercy."<sup>55</sup>

Since his 6,000 baht annuity was canceled, Prince Damrong and his family had to adapt to a new situation. Living in Penang could not be as luxurious as before. Princess Phunphissamai indicated several expenses which had to be cut. The Prince had to give up golfing and travelling abroad. In addition, he decided to sell some assets preserved in his residence in Bangkok for more cash. This adaptation was effective. Prince Damrong and his family could continue to stay in Penang for years.

As documented by letters and materials, royals who replied to the Minister of the Royal Household tried to explain why they needed to stay overseas more than six months a year. Princess U-thong, whose annuity was 6,000 baht, indignantly responded to Chao Phraya Woraphong, and explicated why she thought the government's condition was unreasonable. She claimed that the annuity was exclusively for the royals and had been previously allocated no matter where those royals lived. According to the Princess, the annuity could not be canceled unless the royal rank of a royal was removed. Princess U-thong insisted that she had not done anything wrong. Traditionally, a royal had to be given permission by the King before leaving the country, and she had already complied with this convention. Interestingly, Princess U-thong also mentioned the Constitution and law in her justification. As a Thai, she claimed liberty to live anywhere she wanted, and there was no law prohibited so doing. The Princess explained that she had to stay in Bandung because its weather and peacefulness were suited to the elderly. She

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<sup>55</sup> Prince Damrong to Director of the Department of the Privy Purse, 2 October 1932 in N.A. SB2.52/475 cited in Thamsuk Numnond, *The Political Drama of 24 June 1932*, p. 94

concluded that “I do not think it is reasonable my annuity to be dismissed. I think we better off maintain good relationships, and should not hurt each other.”<sup>56</sup>

Unlike Princess U-thong's, Prince Bhurachatr's reply to the Minister implied his willingness to have his grant. He explained that he left Siam for Singapore to fulfill King Prajadhipok's wish to popularize Siamese goods in the Malay Peninsula. The Prince claimed that he had willingly co-operated with every request made of him by the Siamese government. According to Prince Bhurachatr, his annuity was for his children's education. If it was canceled, then his family would suffer. The Prince ended his letter by appealing to the Minister of the Royal Household to let the Cabinet know of his situation.<sup>57</sup> In addition, every royal in Prince Bhurachatr's family replied to Chao Phraya Woraphong, trying to explain their difficulties. Princess Prabhawasit, Bhurachatr's wife, claimed that she had to look after her children in Singapore. Furthermore, Bhurachatr's children, Princess Wimolchatr, Princess Chatrasuda, and Princess Kanchanachatr, replied to the Minister as well. As recorded in the government's documents, Bhurachatr family's annuity was 7,400 baht, which could definitely affect the family's ability to sustain themselves.

According to the government's condition, if the royals who stayed overseas explained their reason, the Cabinet would decide whether to return their annuity. There was only one instance in which pleading was successful. Prince Thawon Mongkolwong explained that he left Siam as the private doctor of King Prajadhipok, and the government repaid his annuity. Other royals' replies were refused. The government's justification was that those royals left the country

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<sup>56</sup> Copy of a letter autographed by Princess U-thong and Princess Hemwadi, 20 August 1935 in Office of the Cabinet Secretariat, (2)SLK 3.22/10

<sup>57</sup> Prince Burachatr to Minister of the Royal Household, 4 September 1935 in Office of the Cabinet Secretariat, (2)SLK 3.22/10

without any valid reasons.<sup>58</sup> As mentioned above, this Cabinet resolution had some inconsistencies. According to the government's rules, the annuity of royals in school would be maintained; however, the grants of Prince Bhurachat's children, who were studying in Singapore, were rejected. The Cabinet only generally mentioned the Bhurachat family but did not specifically discuss their letters in the meeting.

The annuity regulation worsened not only the relationships between the government and the royal family members, but also among the royals themselves. Acting as a mediator between the new leaders and the royals, Prince Anuwat Chaturon, the Chairman of the Council of Regency, was in a dilemma. On the one hand, he had to conduct royal affairs in accordance with constitutional principles. On the other hand, he was perceived by the royals as unable to protect the crown's honor and benefits. After his abdication, King Prajadhipok sent a telegram to Prince Anuwat, expressing his concern about the suspended annuity of Prince Sawati, the ex-King's father in law. Prajadhipok hoped that the new King could prevent it from being canceled. After Prince Sawati's annuity had actually been rejected, the ex-King sent another telegram to the Regent. Overtly, he criticized the new King. He angrily questioned "whether it is shameful that the King does not patronize the senior member of the royal family?" However, for Prajadhipok and other royal family members, the Regent was the one responsible for royal affairs, so the ex-King was implicitly criticizing Prince Anuwat. Rama VII also directly asked the Regent to return the annuity of his father in law.<sup>59</sup>

The Council of Regency had tried their best to reduce the tension between the government and the royals, especially the repercussions from the latter who thought that Prince

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<sup>58</sup> Record of the Cabinet Meeting, 72/1935, 4 October 1935

<sup>59</sup> N.A. SR0201.8.1/16

Anuwatr should not have accepted the position.<sup>60</sup> For example, the Council of Regency issued a resolution to allocate the 6,000 baht annuity to the Mahidol family who stayed with King Ananda in Switzerland, including Prajadhipok and Rambai Barni. More explicitly, after the completion of annuity payments based on the government's conditions, the Regent suggested that the annuity of each royal should be increased using the money remaining from the rejection.<sup>61</sup> This was an attempt by the Regent to satisfy the royal family members. If the Cabinet had approved their suggestion, most royals would have received more money. However, it is unclear whether such an effort would have been effective.

In sum, during the transitional period after King Prajadhipok's abdication, the annuity was modified. First, its management was relocated from royal prerogative to the government's power. Second, the transformation drew attention to the different perspectives on the meaning of the annuity - a high privilege directly provided by the monarch reserved particularly for the royals or supported by constitutional principles. These changes led to conflicts not only between the royal family members and the government, but also among the royals themselves.

#### 4.5.2 Annuity as a Political Apparatus

The annuity allocation became one of the government's mechanisms to control the royal family members, whom they held as political enemies. The annuity rule mentioned above focused mainly on the royals living abroad; those royal family members staying in Siam were not affected. However, the government initiated a new regulation which would cover all royals. In July 1936, Prince Wan noted in a Cabinet meeting that there were some royal family members not willing to pursue their duties assigned by the Regent. The Prince suggested that there should

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<sup>60</sup> Phunphissamai Dissakul, *What I Have Seen: A History of the 1932 Political Change*, p.166

<sup>61</sup> Royal Private Secretary to Cabinet Secretariat, 29 July 1935 in Office of the Cabinet Secretariat, (2)SLK 3.22/10

be a regulation concerning the annuity, so that the Regent could control those royals.<sup>62</sup> The Cabinet let the royal court create the rule, most of the content of which was approved.

The regulation comprised two parts: conditions for increasing and conditions for decreasing or dismissing the annuity. The amount of a royal grant could be increased if that royal created benefit for the country and the King, performed their royal duties, or became aged. There were eight conditions under which the annuity might be reduced or cut: behaving unconstitutionally, not performing royal duties, not respecting the King, damaging the crown's dignity, being imprisoned, being bankrupted due to corruption, behaving with bad manner, and being removed from the royal ranks.<sup>63</sup> This was the first written regulation concerning the annuity allowance both for the royals living abroad and residing in the country. However, there was no documentation showing how this regulation was applied.

The regulation of the annuity came to be a political means when Luang Phibul Songkram ascended to the premiership. During January and February 1939, Phibul's government arrested many suspects for rebellion and treason. According to the government, these suspects had planned to replace King Ananda with Prajadhipok, the previous king, and support Phraya Song Suradej as the Prime Minister.<sup>64</sup> After the arrest, some royals were prosecuted, including Prince Rangsit. The Prince was found guilty by the Special Court appointed by the government and was sentenced to death. However, his conviction was reduced to be dismissed from the royal rank and imprisoned for life.

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<sup>62</sup> Record of the Cabinet Meeting, 18/1936, 13 July 1936

<sup>63</sup> Royal Private Secretary to Prime Minister, 29 September 1936 in Office of the Cabinet Secretariat, (2)SLK 3.22/18 and Record of the Cabinet Meeting, 52/1936, 16 October 1936 Interestingly, of the conditions by which the annuity could be decreased, the regulation prioritized the unconstitutional behavior over irreverence to the monarch.

<sup>64</sup> *Special Court Verdict B.E.2482 on the Rebellion* (Bangkok: Propaganda Bureau, 1939)



The Cabinet ordered the dismissal of the annuity of some royals accused of being involved in the rebellion. Available documents indicate that it was likely issued between February and March 1939. An official document dating from early April 1939 mentioned an order authorized by the Council of Regency.<sup>65</sup> There were 24 royals whose annuities were dismissed, including King Prajadhipok, Queen Rambai Barni, Prince Rangsit, Prince Boribhatr and his family, and the Sawasdiwat family, because of their behavior which brought notoriety to the honor of the King and the royal family.<sup>66</sup> As described above, when the Cabinet issued a resolution to regulate the annuity in 1935, there were some royals whose annuities were not dismissed, Prajadhipok and Boibhatr were among these. However, their grants eventually were dismissed due to a 1939 political cleansing.

The decreases in annuities in 1939 also affected another allowance for some royal family members: the pension for the royal concubines. As mentioned previously, initiated by King Chulalongkorn during the beginning period of the absolute state, the provision of these pensions lasted until the 1932 Revolution. It was the government's responsibility to pursue it in accordance with the late King's order, as the command of a monarch in the old regime was usually held as a law. Although there was no contemporary document directly indicating its status during the transformative period, one document indicated that the pension became another of the allocations controlled by the Ministry of Finance.<sup>67</sup> This might be due to by two factors. First, the organization responsible for the pension, the Privy Purse, came under the government's authority. Second, the allocation of the pension was authorized by the Council of Regency, who

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<sup>65</sup> Royal Private Secretary to Prime Minister, 7 April 1939 in Office of the Cabinet Secretariat (2)SLK 3.22/22

<sup>66</sup> *Ibid.*

<sup>67</sup> (Copy) Civil Court's Judgement, 10 February 1945 in Office of the Cabinet Secretariat (2)SLK 3.22/24

reported to Luang Phibul, the Prime Minister. Thus, the management of royal affairs in general, including the pension, was controlled by the government.

The changes to the management of the pension in 1939 exemplified the methods the Phibul administration deployed in struggling with their political enemies. After the general arrests in January and February 1939, there were 24 royals whose annuities were dismissed. There was a question initiated by the royal court concerning whether the pensions of those royals had to be dismissed as their annuities, because those royals ‘had made themselves leading to the loss of the dignity of the Dynasty and the integrity of the King.’<sup>68</sup> An important document the leaders mentioned in reference to this was King Chulalongkorn’s royal command initiating the pension in March 1907, which determined not only how the amount was allocated, but also set conditions under which any recipient’s pension would be dismissed, including vile comportment. The Director of the Department of Attorney, assigned by the Cabinet to provide a legal recommendation, argued that the royal command had to be held as a law because it was issued by a sovereign in the absolute state.<sup>69</sup>

This interpretation became the legal foundation for the government’s decisions in this matter. In the first place, Phibul himself approved the report; however, no decision was made concerning whose pensions were to be dismissed.<sup>70</sup> Too few documents exist to indicate the process of decision. About a month later, an official document from the royal court indicated that the pensions for three high ranking royals would be renounced, including King Prajadhipok, Prince Boribhatr, and Prince Rangsit. Citing the royal command of King Chulalongkorn as its legal reference, this document was authorized by the Council of Regency and countersigned by

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<sup>68</sup> Royal Private Secretary to Prime Minister, 7 April 1939 in Office of the Cabinet Secretariat (2)SLK 3.22/22

<sup>69</sup> Cabinet Secretariat to Royal Private Secretary, 17 April 1939 in Office of the Cabinet Secretariat (2)SLK 3.22/22

<sup>70</sup> Handwritten note by Prime Minister, 15 April 1939 in Office of the Cabinet Secretariat (2)SLK 3.22/22

Luang Phibul Songkram.<sup>71</sup> There were no other details as to the reasons why these three royals were chosen while others were not. Arguably, however, it was likely that the new leaders arranged for the pensions to be their political tool to control the royal family members.

In conclusion, the regulation of the annuity during the two years after the abdication of King Rama VII was a product of the transformation of the royal court financial management from one of the royal prerogatives to a budget of the Ministry of the Royal Household, and finally, to the direct control of the government. Culturally, this changed the status of the annuity from a symbol of the royal privilege to a state budget controlled by the non-royal leaders. The regulation of the annuity provided the government a means by which they could control the royal family members. The 1935 rule economically and culturally affected the royals living overseas and the 1936 regulation did the same for all royals. When Luang Phibul Songkram became Prime Minister, the annuity and the pensions for royal concubines became the government's tool for eradicating their political enemies. Thus, it could be argued that the regulation of the allowances for the royals after the 1932 revolution was not only a practice of constitutional monarchical principles, but also a political tool which was deployed by the new leaders to control their opposition.

#### 4.6 The Postwar Turning Point

The Pacific War, which began in Thailand in December 1941, led to changes in the country's political landscape. Field Marshal Phibul Songkram's decision to lead Thailand in collaboration with the Axis Powers resulted in a conflict between him, his supporters, and Pridi's group. After the Alliance Treaty with Japan, Pridi was dismissed from his position in the Cabinet. However, his new position as Regent brought him independence and capability to resist the

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<sup>71</sup> Council of Regency to Minister of Finance, 7 May 1939 in Office of the Cabinet Secretariat (2)SLK 3.22/22

Japanese and Phibul's authority.<sup>72</sup> The conflict between the two powerful figures had profoundly altered the development of Thai politics. To defeat Phibul's clique, Pridi collaborated with the royalists, who saw him as their true enemy because he was the leader of the 1932 Revolution in which the royal honor was severely damaged. The Seri Thai Movement, which acted both to resist the Japanese and to destroy Phibul's regime, illustrated this collaboration. This political rearrangement resulted in the return of the royalist to formal politics, Pridi having the highest power, and Phibul losing his position.

The cooperation between Pridi and the royalist led to some agreements related to previous political conflicts. In the earlier period of the War, the anti-Japanese operations in Thailand and abroad encountered difficulty in communicating with each other. Pridi sent groups of people to China to work with the Allied Powers, but they had become lost in the Indo-China wilds. The Regent's effort finally succeeded with the journey of Chamkat Palangkul in 1943, which resulted in the Allied Powers acknowledging the internal movement led by Pridi.<sup>73</sup> Prince Supphasawat Sawatiwat, the coordinator of the Seri Thai in England, flew from Delhi to Junking in China to meet Chamkat, and they exchanged information about the situation inside and outside Thailand. During the conversation, the Prince inquired about the political prisoners. Chamkat informed the Prince that there was an agreement among the leaders in-country that the political prisoners would be released.<sup>74</sup> Prince Supphasawat might have had in his mind ex-Prince Rangsit who had been imprisoned for life since 1939. The imprisonment of a high ranking royal such as Rangsit had probably been the greatest concern of the royal family members. In addition,

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<sup>72</sup> Pridi Bhanomyong, "Occurrences within the Council of Regency," in *The Beginning of Democracy: Memories of the Contemporaries, B.E. 2475-2500* (Bangkok: Correspondence Foundation of Thailand, 1973), p. 62

<sup>73</sup> Charnvit Kasetsiri, *Thai Political History, 1932-1957* (Bangkok: Social Science and Humanities Textbook Project Foundation, 2001), pp. 338-339

<sup>74</sup> Nai Chantana, *X.O. Group: the Insiders of Seri Thai Movement* (Bangkok: Chetthaburut, 1979), pp. 115-116

committing to release political prisoners was the decisive point which made the collaboration between Pridi and the royalists possible.

At this point, the management of the annuity and the pension was involved in the political changes yet again. Generally, although the royalist's purpose was not to return Thai politics to the absolute regime, they had tried to undo the political legacies of the People's Party, especially those concerning the royal court. The conversation between Prince Supphasawat and Chamkat was a significant part of the royalists' political agenda and was the beginning of several important changes. In July 1944, Prime Minister Phibul Songkram was replaced by Kuang Aphaiwong, whose administration promulgated an Amnesty Law for all political prisoners sentenced due to the rebellions in 1933, 1935, and 1939.<sup>75</sup> The collaboration between Pridi and the royalists, which led to a general amnesty, brought about the reconsideration of the annuity and the pension.

#### 4.6.1 Prince Boribhatr

Prince Boribhatr (1881-1944) was a son of King Chulalongkorn and Queen Sukhumala. He left Siam to study in Europe when he was 14. The Prince graduated from a military school in Germany and returned to the country in 1903. He began his state service in the Army; however, King Chulalongkorn appointed him the commander of the Navy.<sup>76</sup> His last position under the absolute state was as the Minister of Interior (1928 – 1932). Prince Boribhatr had been said to be the most powerful royal during the last phase of the old regime, so he was one of the royals who were kidnapped during the military operation on 24 June 1932.<sup>77</sup> Negotiating with the revolutionary leaders, the Prince permanently moved to Bandung in the early July 1932. His

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<sup>75</sup> “The Amnesty Act, B.E. 2488,” *Royal Gazette* 62: 27 (9 May 1945): 337-341

<sup>76</sup> Princess Siriratbussabong, *Biography of Prince Boribhatr*, p. 17

<sup>77</sup> *Ibid.*, pp. 56-59

annuity was not dismissed in the regulation in 1935 even though he had stayed overseas. However, during the 1939 purge, Prince Boribhatr was one of the royals who were accused of attempting to overthrow the government, and consequently his family's annuity was rejected as was his pension which he used to gain through his mother's right because she was one of King Chulalongkorn's wives.

Prince Boribhatr's pension again became important when he died in Bandung in early 1944. Prince Chumbhot, Boribhatr's son, required the government to provide the expenses of the funeral ceremony and to coordinate with the Japanese for his journey to Bandung. In addition, the Prince asked Phibul's administration to renew the Prince's pension. The Prime Minister approved Chumbot's request. According to Phibul's order, the pension of the Boribhat family would be allocated from the date the Prince died, but his personal annuity remained rejected since he had been accused of rebellion. Phibul did not indicate his reason. Acknowledging Phibul's decision, Prince Chumbot urged the government to pay the money, as his family in Bandung needed more income. Furthermore, the allocation process would have not been pursued unless an authorized document was issued.<sup>78</sup> The government seemed not to consider the case so urgent, however. It took more than a half of a month before the Prince's request was submitted to the Cabinet meeting, which did not lead to any concrete order. The Cabinet left it to the Minister of Finance to decide.

During the government indecisive consideration, Prince Chumbot made his next move. He warned the government to quicken the process. Some sentences in his letter implied that he would take legal action if his request was not granted.

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<sup>78</sup> Prince Chumbhot to Cabinet Secretariat, 28 March 1944 in Office of the Cabinet Secretariat (2)SLK 3.22/24

Because I am very afraid of offending Mr. Prime Minister and worried the case will be delayed, I have to disturb you again. I would like to completely end the case without any lawsuit.<sup>79</sup>

The Cabinet asked *Krissadeeka* to provide a legal comment on the Prince's request (likely due to his attitude). The latter's opinion might have agitated the leaders, for the secretariat of *Krissadeeka* stated that the 1939 royal command, which stated that the three high ranking royals had a vile comportment, could be sued.<sup>80</sup> However, during that time, Phibul's administration lost a vote in Parliament, forcing the Field Marshal out of office. His government was replaced by Kuang Abhaiwong's. Thus, the pension of Prince Boribhatr was still not settled.

*Krissadeeka* submitted a further opinion to the new administration. A majority of *Krissadeeka*'s meeting suggested (to the advantage for the Boribhatr family) that the right to receive the pension was not a hereditary right but was instead the recipient's own right due to the royal command of King Chulalongkorn. Although a rightful royal had been dismissed due to their behavior, the next beneficiary (the royal's son) was still legitimate because his right had been already determined. The minority suggested that the right to the pension was hereditary. If a royal's pension was rejected, then the right could be denied and the pension should be retained by the Privy Purse.<sup>81</sup> The Minister of Finance and the Minister of Justice agreed with the majority's opinion,<sup>82</sup> which was eventually approved by the Cabinet. According to the Cabinet's resolution, Prince Boribhatr's pension was rightfully recovered and would be paid to his family starting on 1 August 1944.

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<sup>79</sup> Prince Chumbhot to Cabinet Secretariat, 9 May 1944 in Office of the Cabinet Secretariat (2)SLK 3.22/24

<sup>80</sup> Memoir of the Council of State, 13 June 1944 in Office of the Cabinet Secretariat (2)SLK 3.22/24

<sup>81</sup> Secretariat of the Council of State to Cabinet Secretariat, 15 August 1944 in Office of the Cabinet Secretariat (2)SLK 3.22/24

<sup>82</sup> Minister of Finance to Cabinet Secretariat, 18 September 1944, and Minister of Justice to Cabinet Secretariat, 9 October 1944 in Office of the Cabinet Secretariat (2)SLK 3.22/24

One reason for the delayed decision regarding Prince Boribhatr's pension was a financial limitation the Privy Purse faced. According to King Chulalongkorn's command, the pension for his concubines was the revenue obtained from a specific piece of land and the amount to be paid for each concubine had been determined by the same command. When the pensions of King Prajadhipok, Prince Rangsit, and Prince Boribhatr were dismissed, they were added to other 21 royals. A document from 1944 indicated that after the allocation, there would be only 21,000 baht available;<sup>83</sup> however, Prince Boribhatr's annual pension was 40,000 baht, which meant that even if Phibul's government had approved the requirement of Prince Chumbhot, the available funds were insufficient. When approving the repayment of the Boribhats' pension, Kuang's administration also issued a resolution to cancel the added money for the 21 royals. After that, the remainder of the pension funds was 50,000 baht, which was adequate to allocate to the Boribhat family.

However, to have his father's pension repaid did not satisfy Prince Chumbhot, for he also wanted the amount dismissed between 1939 and 1944 to be reimbursed. The Prince eventually sued the Ministry of Finance on 17 November 1944 for 245,000 baht (including interest). Prince Chumbhot claimed that the defendant illegitimately dismissed his father's pension. In other words, he accused the Council of Regency in 1939 of having ordered the royal command illegally. This legal action might have resulted in an outcome the leaders did not intend.

The Court rejected two arguments by the Ministry of Finance. The Ministry of Finance first claimed in their defense that the 1939 royal command was pursued in the name of the King (to which the Ministry only complied), thus the Ministry was not responsible for the result. The

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<sup>83</sup> Minister of Finance to Cabinet Secretariat, 13 May 1944 in Office of the Cabinet Secretariat (2)SLK 3.22/24



Court did not agree with that assertion. According to the Court's opinion as stated in their sentence, the 1939 royal command was not a law, so it could be rejected. The Court also rejected the claim that the Ministry was not responsible on the grounds that, after the Crown Property Law was promulgated in 1937, the Minister of Finance became responsible for the management of the crown property. If any abnormality occurred in the allocation of the pension during this time then the Ministry could be sued.

The most important part of the Court's judgement concerned the 1939 royal command which accused Prince Boribhatr of vile comportment. The Court judged that King Chulalongkorn's document did not allow latter kings to expand the meaning of the term 'vile comportment'; rather, the King's document had precisely determined its definition. According to King Chulalongkorn's command, the pension would be dismissed if any royal "commits vile comportment, smokes opium, being criminally sentenced, and gets married with improper husband." The deeds of King Prajadhipok, Prince Rangsit, and Prince Boribhatr did not include any of those behaviors, so there was no reason to dismiss their pensions, the Court stated. Thus, Prince Chumbhot's lawsuit against the Ministry of Finance was legally legitimate. According to the Court, the Minister of Finance, as the defendant, did not provide any evidence to refute the plaintiff's indictment, in contrast to Prince Chumbhot who had arranged witnesses and evidence to validate his accusation. Thus, the Court judged that the Ministry of Finance had to reimburse Prince Boribhatr's pension dismissed during 1939 and 1944. This judgement resulted in not only the payment of the dismissed pension, but also the reversal of the official accusation authorized by the 1939 royal command, which served to accomplish one of the items on the royalist agenda to dismantle what the 1932 revolutionary leaders had done.

#### 4.6.2 Prince Rangsit

Prince Rangsit (1883 – 1951) was the 52<sup>nd</sup> son of King Chulalongkorn. He had been nurtured by Queen Savang since he was 10 days old because his mother, *mom* Nueng, passed away. He left Siam to study in Germany when he was fourteen. After his graduation, Prince Rangsit returned to the country and served as a high ranking bureaucrat in the Ministry of Education in the Sixth Reign. He was well-known as a supporter of medical education in modern Thailand.<sup>84</sup> However, the Prince's most notorious political role was his authorization of the 1947 coup d'état and the military Constitution when he was a Regent. As I argue in Chapter 3, Prince Rangsit's rapid response to the revised Crown Property Law in 1948 illustrated how the royals saw the management of the properties of the crown during the People's Party era. In this section I describe Rangsit's attitude towards the 1932 Revolution through his role after World War II.

Prince Rangsit was one of the royals whose annuities were rejected (in addition to being a target of the purge in 1939) and the pension he gained through his mother's right was also dismissed. The Special Court sentenced him to death, but his punishment was reduced to life imprisonment. His royal rank was also removed, so in the prison he became just Mr. Rangsit. His example was a trauma to many of the royals and their supporters. Queen Savang's feeling over the case published in her biography was well known.<sup>85</sup> Prince Rangsit himself naturally was resentful towards the purge in particular and towards the Revolution in general. He expressed his feelings about the 1939 purge in an unpublished document composed during the postwar period:

I did not do anything illegal as the attorney of the plaintiff accused me. I have consistently refuted the case. Even now I still insist that I was innocent.

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<sup>84</sup> *The Celebration of General HRH Krom Phraya Chainart Narenthorn* (Bangkok: General HRH Krom Phraya Chainart Narenthorn Foundation, 1971)

<sup>85</sup> Somphop Chandaraprapha, *Queen Srisawarinthira*, pp. 440-441

Yet, the Special Court punished me the dead penalty. Its sentence was decisive, that the defendant could not appeal. I was unwillingly admitted the punishment which was unfair to me.<sup>86</sup>

Formally, this document was sent to King Rama VIII, but it was practically submitted to Pridi Bhanomyong as the Regent, who was one of the core leaders of the People's Party and was in Phibul administration during the Prince's case was pursued. Prince Rangsit's attitude towards his situation and the Special Court might help to explain his general views on the 1932 revolution and the new leaders. It also explained some changes in Thai politics after the death of King Ananda, especially the royal court's role in the 1947 coup d'état.

Regarding the annuity, after Field Marshal Phibul Songkram was replaced by Kuang Abhaiwong in mid-1944, Rangsit, who was remitted a year previously, was reappointed to royal rank on 30 September.<sup>87</sup> The government reinstated his full rights as a Prince at that time, so the Prince's annuity was allocated again at the same amount. There was no direct evidence of the decision of the government in this matter. However, a document indicated that Pridi himself determined that the amount the Prince would gain was set at 6,000 baht annually (also beginning on 30 September).<sup>88</sup> Thus, the Prince gained his annuity almost as quickly as his royal status.

The government also reinstated his pension. This restoration, again, was initiated by Pridi acting in his capacity as the Regent. The royal court sent a formal dispatch to the government inquiring whether it was proper to pay the pension to the Prince.<sup>89</sup> This effort by Pridi probably was an effect of Prince Chumhot's lawsuit. The Regent naturally did not want

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<sup>86</sup> (copy) Prince Rangsit to King Ananda, 19 July 1945 in Office of the Cabinet Secretariat, (2)SLK 3.22/22

<sup>87</sup> "Announcement to Return the Royal Rank to Mr. Rangsit Prayurasakti na Ayuthaya," *Royal Gazette* 61:59 (20 September 2487): 848-851

<sup>88</sup> Royal Private Secretary to Prime Minister, 30 September 1944 in Office of the Cabinet Secretariat, (2)SLK 3.22/22

<sup>89</sup> *Ibid.*

Prince Rangsit to take legal action, so he proposed a resolution on his own. The Cabinet issued a resolution to pay Prince Rangsit his pension at 12,000 baht a year which was the same amount he received previously.<sup>90</sup>

In the middle of the following year, Prince Rangsit submitted a dispatch to King Ananda asking for payment of his pension which had been denied during his imprisonment. The Prince insisted that the punishment he received was unfair because he had nothing to do with the rebellion. Moreover, he claimed that King Chulalongkorn's order only denied the pension for the royal who was found guilty, so their heirs and families could still legitimately receive their annuities and pensions. Thus, Prince Rangsit required the pension which had been denied to his sons and daughters.<sup>91</sup> The government was uncertain how to proceed, so they asked *Krissadeeka* to consider his request. The question concerned whether Prince Rangsit's demand was legal and whether the Prince's offspring could legitimately be paid.<sup>92</sup>

The opinions of *Krissadeeka* benefited Prince Rangsit. First, *Krissadeeka* took Prince Boribhatr's case as an example, and concluded that his descendants were lawfully able to receive his pension based on their interpretation of King Chulalongkorn's royal command. Second, the 1939 royal command was illegal because it rewrote the definitions contained in King Chulalongkorn's command, *Krissadeeka* indicated.<sup>93</sup>

Consequently, although the Court reinstated the pension of Prince Boribhatr, the reinstatement of Prince Rangsit's pension was authorized by the Regent, Pridi Bhanomyong's command. The Minister of Finance suggested that the 1939 royal command could not be reversed by any order lower than a royal command, so the Cabinet asked the Regent to issue a new order.

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<sup>90</sup> Cabinet Secretariat to Minister of Finance, 8 November 1944 in Office of the Cabinet Secretariat, (2)SLK 3.22/22

<sup>91</sup> (copy) Prince Rangsit to King Ananda, 19 July 1945 in Office of the Cabinet Secretariat, (2)SLK 3.22/22

<sup>92</sup> Minister of Finance to Prime Minister, 21 August 1945 in Office of the Cabinet Secretariat, (2)SLK 3.22/22

<sup>93</sup> Memoir of the Council of State, 5 November 1945 in Office of the Cabinet Secretariat, (2)SLK 3.22/22

Eventually, Pridi as the Regent issued the necessary royal command to reimburse Prince Rangsit's pension.

In sum, the example of Prince Rangsit showed how the annuity and the pension of his mother were involved in the politics of reconciliation after the War. When Pridi collaborated with the royalists, one of whose political agenda items was to reverse the hinges made by the People's Party to royal affairs, the allocation of the two allowances was altered. However, the management of the annuity and the pensions remained a political mechanism, but instead of a tool used to eliminate enemies of Phibul's government it became a means for collaboration between Pridi and the royals.

#### 4.6.3 After King Ananda's death

After King Ananda's death, the royals in the Boribhatr family gradually moved back from Bandung to Thailand. Although the Prince's pension had been reinstated, the denial of each royal's annuity was still enforced. The combination of the Boribhatr family's return and the 1945 Amnesty Law (which led to the release of all royals held in prison) triggered the royal court's re-examination of the Boribhatr family's annuity allocation and consideration of whether the former royal prisoners' annuities should be restored as well. The limited evidence available does not give a clear picture of the government's opinion of the royal court's proposal to reinstate the annuities. All available documents indicated that both the royal court and Luang Thamrong's government agreed on this point. An official dispatch composed by the royal court indicated that the Prime Minister himself did not oppose the royal court's proposal.<sup>94</sup> However, Thamrong's administration expressed its discomfort during its consideration of the nominee for the position of

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<sup>94</sup> Royal Private Secretary to Prime Minister, 29 July 1946 in Office of the Cabinet Secretariat, (2) SLK3.22/10

Lord Chamberlain suggested by the royal court.<sup>95</sup> Thus, the only part which could be confirmed was that the government approved the reinstatement of the annuity to all royals. In the case of Prince Wongnirachorn Dewakul, the government was required to return him to royal status before reinstating his annuity.<sup>96</sup> There were a total of 15 royals whose annual grants were approved in 1946.

The reinstatement of the annuity had significant political implications. The royals whose annuities were restored could be categorized into three groups: 1) those royals involved in the rebellions in 1933 and 1934<sup>97</sup>; 2) those who were purged in 1939; and, 3) the royals whose annuities were denied because they had stayed overseas. The annuity of the first two groups was denied certainly for political reasons. However, the rejection of the last group's annuities was in accordance with the regulation the People's Party government established in 1935 (which could be justified on a constitutional basis). Prince Wan once stated that the royals deserved the annuity to compensate for their disadvantages because the 1932 permanent Constitution did not allow them to be involved in politics. The Prince argued that such a privilege should be provided only when they were in the country and the government issued their regulation in keeping with his suggestion. According to the royal court's document, however, politics was the only reason for the denial of the annuities of those royals. In other words, the leaders in 1946 ignored the constitutional basis of the annuity regulation. Perhaps unfortunately, the political disadvantage of Pridi's group after King Ananda's death resulted in their inability to defend any constitutional principle. Pridi himself resigned from the premiership to express his responsibility for the sovereign's death and Luang Thamrong replaced him. When the royal court offered proposals for

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<sup>95</sup> See Chapter 2.

<sup>96</sup> (copy) Announcement of the Office of the Prime Minister of the Return of the Royal Rank and Royal Insignia in Office of the Cabinet Secretariat, (2) SLK3.22/10

<sup>97</sup> Royal Private Secretary to Prime Minister, 29 July 1946 in Office of the Cabinet Secretariat, (2) SLK3.22/10

changes to the management of royal affairs, the Cabinet seemed not to be able to oppose these suggestions, but instead only comply with what the royal court wanted. This might have been part of the revival of the monarchy in Thai politics after the 1932 Revolution.

### Conclusion

In this chapter, I describe how royal family members were affected by changes in the management of the properties and finance of the royal court, and the separation of the monarch from the power to manage those affairs. Most royals were required to leave the political society of the country due to a provision in the Constitution. Influential royal family members gradually left Siam due to the Revolution and the ensuing political conflicts between themselves and the new leaders. The government expanded their power over the annuity for the royals, one of the budgets of the palace court remaining from the absolute state. The new leaders decreased the amount of the annuity and established a constitutional basis for its continuation (rather than perpetrate the tradition that it was a royal privilege awarded under the benevolence of the King).

However, the political struggles between the leaders also mattered. The provision of the annuity and the pensions which determined by King Chulalongkorn, another budget inherited from the old regime, became not only based on the constitution but also became a political tool used by the government to control the royals. Later, when the government began its general purge in 1939, they employed the provision of the grants to punish their political enemies, along with the legal process which led to the aggressive denunciation of King Prajadhipok and some other royals (including the sentencing of a high ranking royal to death after the removal of his royal rank). The development of the provision of the grants worsened the relationships between the royals and the new leaders.

In addition, the high ranking royals did not submit to these changes or collaborate with those who made the changes; instead, they held that the new leaders were not legitimate in control of royal affairs nor was the constitution considered legal or legitimate. The cases of Queen Savang and Prince Damrong demonstrated this point.

These beliefs might explain the royals' roles in Thai politics after the war. After returning to power, the royals reversed the changes in the control of their lives and royal affairs to which they had never really agreed. One of their accomplishments was the restoration of the annuity and the pension for the royal concubines which had been denied during the People's Party's era. High ranking royals such as Prince Rangsit, who had been treated violently during the 1939 purge became key figures in the 1947 coup d'état which was the beginning of the military authoritarian and royalist politics in Thailand.



## Chapter 5

### Financial Prosecution of King Prajadhipok

#### Introduction

In this chapter, I focus on the lawsuit which led to the confiscation of the properties in Siam of King Prajadhipok and Queen Rambai Barni during the Phibul administration. This event marked another significant change (as yet unexamined critically by academicians) in the management of the crown's finances and properties of the crown. Some political document concerning the 1932 Revolution, especially those published by those with perspectives adverse towards the People's Party, mention this event. In addition to Prajadhipok's departure for Europe due to conflicts with the new leaders which ended in his abdication, this lawsuit was usually depicted as an example of the malevolence the leaders of the new regime harbored towards the ex-King.

The main source of most works discussing this lawsuit is Silpchai Charnchalerm (Nai Honhuai)'s biography of King Prajadhipok. This book was first published in the 1950s when the royalist intellectuals could begin to publicly express their opinions. Thongchai Winichakul suggests that the most important of the royalist publications was an academic text published by Prince Dhani Niwat.<sup>1</sup> Arguing that the traditional governance of Siam under the Buddhist King's rule was democratic, the Prince had suggested ways by which the Revolution could be attacked.<sup>2</sup>

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<sup>1</sup> Thongchai Winichakul, "Going Beyond the 14 October Democracy," *The Democracy with the King above the Politics: on the Modern Political History of Thailand* (Nondaburi: Fadiewkan, 2013), pp. 37 - 38

<sup>2</sup> Prince Dhani Nivat, "The Old Siamese Conception of Monarchy," in *Collected Texts of Krom Muen Bhidhayalapphruthiyakorn* (Bangkok: Phrachan, 1974), pp. 99 - 113

Silpchai's book was one of the gradually emerging texts criticizing the 1932 Revolution and supporting King Prajadhipok.<sup>3</sup> He initially published his work in 1948 in *Seriphap*, a daily newspaper, then re-printed it as two books the following year, and finally published the two books as one book in 1952;<sup>4</sup> he re-published his book some 35 years later, entirely rewriting it and adding some important documents.<sup>5</sup> His text might have been the first to mention the lawsuit. Remarkably, no other contemporary text with his political perspective (glorifying King Prajadhipok and attacking the People's Party) mentions the lawsuit. Since Silpchai's text is the only work providing information about the lawsuit, it has become the main source for later texts. A master's thesis in law, for example, cites his work for analyzing some legal aspects of the lawsuit.<sup>6</sup> Other texts use some significant content from Silpchai without obvious reference; however, the presence in these texts of errors committed by Silpchai indicates that those works are based on the same source.<sup>7</sup>

In early 2010, the Supreme Court issued a judgement to confiscate the assets of Thaksin Shinawatr, the ex-Prime Minister self-exiled due to the 2006 coup d'état, which resulted in his supporters (including the red-shirts movement) conducting public demonstrations later violently

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<sup>3</sup> For example, see Premjit Watcharangkul, *Phra Pokklao and Thai Nation* (Bangkok: Bangkok Printing, 1946). For the discussion of the politics of this genre of texts, please see Somsak Jeamteerasakul, "The Abdication Royal Text of Rama 7: the Biography of a document," in *The History which has just been Created*, pp. 20 – 30, and Prajak Kongkirati, "24 June in the 14 October Movement: Politics and Power of History," in Chanvit Kasetsiri (ed.) *Thammasat University and the Space of Politics in Thailand, 1932 – 2004* (Bangkok: Social Sciences and Humanities Textbooks Project, 2005), pp. 115 - 178

<sup>4</sup> Nai Honhuai, *Prince Prajadhipok: the King Who Departed* (Bangkok: Odeon Store, 1952)

<sup>5</sup> Nai Honhuai, *Prince Prajadhipok: the King Who Departed* (Bangkok: P. Samphanphanich, 1987)

<sup>6</sup> Sakuna Thewaratmaneeekul, "The Management of the Crown Property," MA Thesis, Faculty of Law, Thammasat University, 2000, 33 - 39

<sup>7</sup> For examples, Suphoj Jangrew, "The Confiscation Case of King Prajadhipok's Properties," *Silpa Wattananatham* 23: 8 (June 2002): 63 - 80, Bunruam Theamchan, *Suing Rama VII* (Bangkok: Thanpundit, 2011), and all internet texts. Silpchai misread the 1936 Crown Property Law that it was enforced on 15 June of that year, as indicated by the date 15 June appearing on the first page of the *Royal Gazette* which actually indicated when the Council of Regency authorized the bill. The true date when the bill was formally enacted was 19 July 1937.

taken down by the state's forces.<sup>8</sup> During this circumstance, internet texts emerged which mentioned the lawsuit against King Prajadhipok.<sup>9</sup> Ironically, one of these texts mutually supported Thaksin and King Prajadhipok and condemned the administrations both of the People's Party and the 2006 junta (who allegedly masterminded the confiscations of the assets of both Prajadhipok and Thaksin).<sup>10</sup> Except for an interview of Queen Rambai Barni and other texts, there was no information from those who were directly involved in the lawsuit. Their funeral memorial books, which normally contained their full biography and what they did when they were alive, did not mention the lawsuit. For example, the biography of Luang Kajsongkram did not mention his duty as the chairman of the Crown Property Audit Committee (CPAC), which had a significant role in suing King Prajadhipok.<sup>11</sup> Similarly, the roles of Phraya Atthakareeniphon and Luang Chamrunnetisart as the plaintiff's attorney and the judge who issued the ruling that King Prajadhipok and Queen Rambai Barni were guilty (respectively) did not appear in their funeral books.<sup>12</sup>

Using Silpchai as the main source, the events leading up to the confiscation lawsuit were as follows. After King Prajadhipok abdicated, the People's Party government took over the management of royal affairs. They promulgated the first Crown Property Law in 1936 and began

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<sup>8</sup> Thongchai Winichakul, "The 'germs': the reds' infection of the Thai political body," (<http://asapacific.anu.edu.au/newmandala/2010/05/03/thongchai-winichakulon-the-redgerms>), Nick Nostitz, "The Red Shirts: From Anti-Coup Protesters to Social Mass Movement," in Pavin Chachavalpongun (ed.), *"Good Coup" Gone Bad: Thailand's Political Developments since Thaksin's Downfall* (Singapore: Institute of Southeast Asian Studies, 2014), pp. 170 - 198

<sup>9</sup> For examples, "Confiscation of King Prajadhipok's Assets: the Absurd Judiciary," (<https://www.facebook.com/notes/tongrob-sunontalad>), "King Prajadhipok: the first Monarch whose Assets were confiscated," (<http://oknation.nationtv.tv/blog/anakkumlangbai/2010/03/04/entry-3>), and "Asset Confiscation Cases, 1941 to 2010: from Kangaroo Court to the Supreme Court," ([https://www.prachachat.net/news\\_detail.php?newsid=1266209818](https://www.prachachat.net/news_detail.php?newsid=1266209818))

<sup>10</sup> Wadtawan Suphanphesat, "They dared to 'confiscate' the King's assets!!!" 11 February 2010, [http://www.vattavan.com/vatta/detail.php?cont\\_id=203](http://www.vattavan.com/vatta/detail.php?cont_id=203)

<sup>11</sup> *Memorial in the Funeral Ceremony of General Kaj Kajsongkram (Thean Kengradomying)*, 20 April 1967

<sup>12</sup> *Memorial in the Funeral Ceremony of Phraya Atthakareeniphon (Sith Chunnanond)*, 17 July 1978 and *Memorial in the Funeral Ceremony of Luang Chamrunnetisarti*, 21 October 1975

to separate the properties of the crown from the private assets of the King. During this process, a committee of the Phibul administration found that Prajadhipok had transferred some assets of the crown to his own accounts. The Ministry of Finance, under Pridi Bhanomyong as Minister, then sued the ex-King. Since the transfer took place before the enactment of the Crown Property Act, Silpchai strongly argued that the lawsuit was a retrospective use of the law. The Ministry of Finance also asked the Civil Court to confiscate Prajadhipok's assets in Siam. The plaintiff's request was denied twice due to Phra Sutthiatthanarumon, the Director of the Civil Court. However, the Court of Appeal reversed his judgement, which resulted in the confiscation of Prajadhipok's assets in Sukhothai Palace led by Luang Kajsongkram. In addition, Phra Sutthiatthanarumon was eventually retired due to his ruling, which apparently angered the authorities. In September 1941, a few months after Prajadhipok died, the Civil Court found guilty both the late King and Queen Rambai Barni and determined that they were required to pay the plaintiff approximately 6,000,000 baht. Silpchai concluded his narrative by indicating that the lawsuit was eventually settled by a compromise negotiated by Pridi between Luang Thamrong's government and the defendants.<sup>13</sup>

In this chapter I examine the lawsuit against King Prajadhipok and Queen Rambai Barni and I describe another incident during which the King was almost sued, the lawsuit of Klai Kangwon palace. Based on recently discovered documents, I investigate how the new leaders addressed the issue when the king did not comply with their requirement that the monarch could not perform any state affair without the approval of a minister. I suggest that constitutional monarchical principles of governance as applied to the management of the crown property and the royal court's finance were demonstrated in the lawsuit. In addition, I will examine whether

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<sup>13</sup> The judgement of the Civil Court and documents concerning Phra Sutthiatthanarumon did not appear in the 1952 version. This fact confirms that Silpchai's book in 1987 is the edition later texts use.

the process of separating the monarch from the power to manage the crown property was applied to the lawsuit. I also explore the decision of the new leaders to sue the ex-King and their reasons for doing so. I will further analyze the negotiation between the plaintiff and the defendant, including the Civil Court's judgement and the process by which the compromise was achieved, neither of which, to my knowledge, have been discussed previously, thus, my work may lead to the development of new perspectives concerning the lawsuit and instigate further studies on the topic.

### 5.1 Suing the King in the Constitutional Monarchy

The lawsuit against King Prajadhipok and Queen Rambai Barni was a significant example of how to treat the monarch in a constitutional monarchy. Although he had already abdicated when the Ministry of Finance started the prosecution in 1939, the transfers of assets which led to the lawsuit took place during Prajadhipok's reign. It could therefore be argued that the target of this prosecution was a deed of a reigning monarch.

The problem with prosecuting the King under constitutional governance was a topic discussed among the constitutional lawyers, and a case took place in the early stage of the Revolution as part of the conflict between the royal court and the new leaders, which led to civil war in the form of the Baworadej Rebellion.

#### 5.1.1 Interpretations by the Constitutional Lawyers

During the early decades after the 1932 Revolution, number of texts emerged concerning public law, especially the interpretation of the Constitutions. This might have been a result of governmental change which needed some explanations. Some of the authors became

significant scholars on the topic.<sup>14</sup> Due to the provisions concerning the sovereign's immunity in the Constitution these texts contained relevant explanations which changed based on what was determined in each supreme law.

The temporary Constitution of Siam published on 27 June 1932 indicated in Article 6 that "the King cannot be prosecuted in the criminal suit in the court. It is the duty of the House of Representatives to consider."<sup>15</sup> Luang Chakkrapani, a conservative legal intellectual, argued that the Constitution prohibited criminal suit against the monarch in the court since a monarchically traditional principle, 'the King can do no wrong,' provided a unique privilege to the sovereign. However, the supreme law did not mention civil prosecution, which meant that the monarch might be prosecuted via a civil suit, Chakkrapani argued. He expressed his hope that the Siamese Constitution would be revised in accordance with the English system under which, according to Chakkrapani, the sovereign could not be sued.<sup>16</sup> Luang Prajurd Aksornlak, in his 1934 lecture on Constitutional law for the newly established Thammasat University, did not disguise his agreement with Article 6 under which he thought it was possible to pursue a civil suit against the monarch. Luang Prajurd emphasized that the Constitution did not prohibit the criminal prosecution: it just stated that Parliament must pursue such a lawsuit. In addition, he suggested that there should be two types of criminal suit for which the monarch might be prosecuted: the general cases outlined in the Criminal Code and those involving the state administration, e.g., a violation of the Constitution or international agreement which caused harm to the country.<sup>17</sup> However, Luang Prajurd did not clarify how to pursue such cases in detail.

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<sup>14</sup> For example, Yud Saeng-uthai and Phairoj Jayanam

<sup>15</sup> "The Temporary Constitution of Siam, B.E.2475," *Royal Gazette* 49(27 June 1932): 166 - 179

<sup>16</sup> Luang Chakkrapani Srisilwisut, *The Explanation of the Siamese Constitution Comparing to other Countries* (Bangkok: King Prajadhipok's Institute, 2004[1932]), pp. 27 - 30

<sup>17</sup> Luang Prajurd Aksornlak, *The Constitutional Law: an Undergraduate Lecture* (Bangkok: Thammasat University, 1934), pp. 74 - 75

Regarding the sovereign's immunity, the 1932 Permanent Constitution's Article 3 stated that "The person of the King is sacred and inviolable."<sup>18</sup> Thus, the public lawyers discussing this topic had to begin with this Article. Luang Prajurd criticized Article 3 for being ambiguous because it did not obviously contain information regarding whether the King could be prosecuted.<sup>19</sup> In addition, he contended that this Article provided more prerogatives to the King than the provisional Constitution had provided. Yud Saeng-uthai contended that the inviolable status of the monarch was possible because the sovereign was above politics. The King could not conduct any public activity without the approval of a minister (who was accountable for the activity), so that he was immune from criticisms, Yud argued.<sup>20</sup> The King was inviolable in three areas: constitutional, criminal, and civil. First, the monarch could not be critically mentioned in any parliamentary discussion. Moreover, there could not be any suggestion by the House to abolish the monarchy. Yud argued that the revolution was the only way to eradicate the institution. Second, the King could not be criminally prosecuted. No crime committed by the King either before or after his enthronement could be pursued. However, Yud remarked that the King might abdicate due to pressure from society. Lastly, if the King committed a civil affront, the sufferer could not sue him, but could only submit a petition of right and wait for the monarch's mercy. Yud argued that in Thailand the plaintiff could sue the Crown Property Bureau and the Privy Purse.<sup>21</sup> Article 3 of the 1932 Permanent Constitution would be the referent provision for the judgement of the Civil Court in King Prajadhipok's lawsuit.

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<sup>18</sup> "Constitution of the Kingdom of Siam," *Royal Gazette* 49(10 December 1932): 529 - 551

<sup>19</sup> Luang Prajurd Aksornlak, *The Constitutional Law: an Undergraduate Lecture*, p. 110

<sup>20</sup> Yud Saeng-uthai, *The Constitution of the Kingdom of Thailand, B.E.2489* (Bangkok: Prachaniti, 1946), pp. 38 - 40

<sup>21</sup> *Ibid.*, pp. 40 - 44

The 1949 Constitution more clearly indicated the intent of its drafters with a new Article which stated that “Anyone cannot accuse or prosecute the King.”<sup>22</sup> Yud, the secretary of the Drafting Committee of the Constitution, indicated that this Article was an extension of the previous Article which determined the inviolable status of the King.<sup>23</sup> Both Yud and Phairoj Jayanam stated that the new article protected the King from any prosecution.<sup>24</sup> However, Yud and Phairoj suggested that the plaintiff in a civil suit could sue either the CPB or the PPD.

In sum, changes to the content of each Constitution resulted in different interpretations regarding the sovereign’s immunity. The 27 June 1932 Constitution indicated that prosecution of the monarch, either criminal or civil, was possible. However, the 1949 Constitution definitely eliminated such a possibility. The ambiguity contained in the first Permanent Constitution arguably led to multiple interpretations and this resulted in a situation in which the post-Revolution leaders had to decide whether the King could be prosecuted.

#### 5.1.2 The Example of Thawat Ritthidej

In this section I describe an incident which was a part of the post-Revolution leaders’ discussion concerning the possibility of the prosecution of the King. This example began with a text published in the name of King Prajadhipok criticizing the Economic Plan Pridi Bhanomyong had been attempting to realize in March 1933. The subsequent political conflicts between the leaders, the closing of Parliament<sup>25</sup>, the coup d’état in June<sup>26</sup>, and the civil war in October were

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<sup>22</sup> “Constitution of the Kingdom of Thailand,” *Royal Gazette* (special volume) 17, 66(23 March 1949): 1 - 80

<sup>23</sup> Yud Saeng-uthai, *An Explanation of the Constitution of the Kingdom of Thailand* (Bangkok: Uthai, 1950), p. 18

<sup>24</sup> *Ibid.*, p. 19, and Phairoj Jayanam, *A Comparative Explanation of Constitutional Laws*, Vol.2 (Bangkok: Aksornniti, 1952), pp. 282 - 284

<sup>25</sup> Weena Manopimoke, “Conflicts within the People’s Party,” Master of Arts Thesis, Department of History, Graduate School, Chulalongkorn University, 1977

<sup>26</sup> Thamrongsak Petchlert-anand, *The 1932 Revolution and a Year after* (Bangkok: Asian Studies Institution, 2000)



ascribed to the far-left and authoritarian aspects of Pridi's Plan.<sup>27</sup> King Prajadhipok criticized the Tram Worker Foundation and its founder Thawat Ritthidej. In September 1933, a newspaper reported that Thawat planned to sue the King for defaming him. Thawat tried to submit the suit to Parliament through an MP instead of to a court.<sup>28</sup> However, the House denied his request, and the government prosecuted him for the crime of *lèse majesté*. This ended when the King summoned Thawat and accepted his asking for pardon. The Department of State Attorney withdrew the lawsuit due to an order of the government.

In addition to being one of the reasons for the Baworadej Rebellion, Thawat's lawsuit also frustrated King Prajadhipok. The King asked the government and Parliament to interpret Article 3 of the Permanent Constitution and to clarify whether the monarch could be sued under this Article.<sup>29</sup> Parliament suspended its session to consider Article 3 twice and eventually reconvened after the Baworadej Rebellion ended.

Somsak Jeamteerasakul suggests that the Rebellion forced the government to pursue what the King wanted. Pridi Bhanomyong submitted the agenda himself. The Cabinet had drafted the interpretation in advance and assigned delegates to meet with the King and ask for his approval. The Cabinet's draft interpretation began by indicating that Parliament had no power to rule on a lawsuit involving the monarch. Thus, Article 3 was interpreted to indicate that if the monarch was sued in a civil suit, then the plaintiff was required to pursue the lawsuit in court and the defendant would be the Minister of the Royal Household instead of the King. In regards to criminal prosecution, the monarch could not be sued, but "Parliament had power to pursue the

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<sup>27</sup> Somsak Jeamteerasakul, "Pridi Phanomyong's historical fallacy," in *Prawattisat thee phoeng sang* (Bangkok: 6 Tula Ramluek, 2001), pp. 3-8

<sup>28</sup> Somsak jeamteerasakul, "The legal case against King Prajadhipok by Thawat Ritthidej," *Silpawattthanatham* (May 2005): 100 - 120

<sup>29</sup> Prime Minister to House Speaker, 28 September 1933 cited in Somsak jeamteerasakul, "The legal case against King Prajadhipok by Thawat Ritthidej,"

lawsuit in accordance with the Constitution for maintaining the justice.”<sup>30</sup> The House approved this interpretation without any discussion. This interpretation of Parliament would be mentioned by the Civil Court in its judgement concerning the confiscation lawsuit against King Prajadhipok.

Somsak remarks that the example of Thawat proposed a crucial issue for constitutional monarchical governance: how to address the public affairs conducted by the King without any approval from a minister. According to Somsak, the true problematic issue of this case was that King Prajadhipok published the review of Pridi’s Economic Plan with his own name without a minister’s approval, which was unconstitutional. Regrettably, in order to maintain good relationships with the royal court after the Baworadej Rebellion, the interpretation which the House approved did not address such a crucial issue, Somsak argues. In addition, it contained some ambiguities and contradictions. Although the interpretation indicated the Parliament could not pursue a legal case involving the monarch, it stated that the House should conduct criminal prosecutions in accordance with the Constitution, leaving the unresolved question of how to manage such a lawsuit “in accordance with the Constitution”. In sum, Somsak contends that the leaders at that time ignored serious discussion of the core issue in order to achieve a compromise and sustain their relationships.

## 5.2 The Klai Kangwon Palace Example

A palace named Klai Kangwon was located in Prachuap Khiri Khan Province. Its construction started in 1926. Klai Kangwon palace was well-known because it was where King Prajadhipok stayed when the Revolution took place. It was also used as a haven by the King and other royal family members during political conflicts between them and the new leaders. Its

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<sup>30</sup> Somsak jeamteerasakul, “The legal case against King Prajadhipok by Thawat Ritthidej,”

name, Klai Kangwon (far from worry) has the political implication that the King wanted to avoid the turbulent capital of Bangkok with its many politicians.

The Klai Kangwon example involved the management of the Crown Property. During a Cabinet meeting in 1936 considering the assets preserved by the Privy Purse, there was a question whether Klai Kangwon was a property of the Crown. The government also had to decide whether King Prajadhipok should be sued due to a debt he had incurred but could not pay. Since whether the palace was an asset of the crown or of the King was unclear, the new leaders had to decide two issues simultaneously.

Some indication of the confusion surrounding this issue became apparent in an interview of Queen Rambai Barni published in 1973. What the Queen recalled involving the lawsuit was as follows:

The things is my father was indebted to Sri Maha Racha Company for 200,000 baht....The King gave me the Klai Kangwon palace, and every stuff in there was inscribed my acronym. The accuser [the government] asked us to exchange the palace for the debt. The King warned them that the palace's price was more than 200,000 baht. However, if they really wanted to do so, then they should assess the palace's price and to compensate the settlement. But they did not reply.<sup>31</sup>

It should be noted here that Queen Rambai Barni told the above story together with that of the confiscation lawsuit as if they were the same. As a matter of fact, the two lawsuits happened separately. This lawsuit, however, seemed to weigh heavily on the Queen's mind,

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<sup>31</sup> Queen Rambai Barni, "An Interview," in *The Beginning of Democracy: Memories of the Contemporaries*, B.E. 2475-2500, p. 13

probably because it involved both King Prajadhipok and Prince Sawati (her father). In addition, she was recollecting events decades after they took place, so it was normal her memories would not conform to the details as laid out in contemporary documents. Some points in the Queen's interview were misleading with respect to the Klai Kangwon example.

Ultimately, the Klai Kangwon case was a result of the separation of the private properties of the king from the crown property. The case, however, did not concern a deed of the monarch but of the ex-King as an individual. However, the fact that Prajadhipok used to be a monarch affected the government's decision. As indicated by source documents, the People's Party government tried to negotiate with Prajadhipok instead of suing him. When this effort failed, due to the ex-King's stance and the political situation, the government was forced to end the lawsuit by compromise.

This example illuminated the method used by the new leaders to resolve conflicts over crown property. They usually began with their constitutional principle, then they would stubbornly negotiate with the royal court. However, when the political situation changed, such negotiations would change accordingly. It could be said that those negotiations ended with politics rather than principles.

The CPCC determined in August 1936 that Klai Kangwon Palace was a property of the crown. Prince Upaleesan Jumbhalal, the representative in Siam of King Prajadhipok, however, claimed that it was the ex-King's personal property. To make its determination, the committee compared the income of the account to its expenses and suggested that most of the income were not from the ex-King's personal budget; further, the committee held that it was built, decorated, and maintained by the budget of the crown's property, so it should be a property of the crown.<sup>32</sup>

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<sup>32</sup> CPCC Chairman to Cabinet Secretariat, 15 August 1936, in N.A. (3)SR0201.65.1/5

The Cabinet did not approve this suggestion but instead asked the CPCC to review its decision. However, when the committee asserted its recommendation<sup>33</sup>, the Cabinet eventually approved it.<sup>34</sup> This Cabinet approval formally made the Klai Kangwon palace a property of the crown and would be the basis for the positions of the government and the ex-King in later conflicts.

King Prajadhipok, who still held the palace his private residence, did not agree with the government's decision, which is likely the reason why Queen Rambai Barni remembered that the ex-King gave her the palace.<sup>35</sup> This led to the dispute between the ex-King and the government. When the Cabinet issued the resolution, Prince Upaleesan resided in the palace. The BRH informed the Prince of the Cabinet's resolution as part of its effort to commandeer the Palace. However, Prince Upaleesan said that he would not move out unless he was formally notified to do so by the government.<sup>36</sup> The CPCC composed a letter in accordance with the Cabinet's order to the Prince and warned him that he had to turn the palace over to the government by September 1936. However, the Prince's answer demonstrated that he did not want to move out of the palace. He maintained that there were two conditions, either of which would result in his leaving the palace: King Prajadhipok's demand or a court order. Furthermore, the Prince said that he would not inform the ex-King unless the Cabinet provided him a reasonable explanation as to why he had to move out. The Cabinet realized that it was useless to negotiate with him, and assigned Phra Dulayatharn, the minister commanding the BRH, and an official from the State Attorney to find legal resolution.<sup>37</sup>

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<sup>33</sup> CPCC Chairman to Cabinet Secretariat, 20 August 1936, in N.A. (3)SR0201.65.1/5

<sup>34</sup> Record of the Cabinet Meeting, 33/1936, 24 August 1936

<sup>35</sup> Queen Rambai Barni, "An Interview," p. 13

<sup>36</sup> Record of the Cabinet Meeting, 35/1936, 31 August 1936

<sup>37</sup> Record of the Cabinet Meeting, 38/1936, 11 September 1936

The Cabinet's effort to take over the Klai Kangwon palace became involved with a debt of which the Privy Purse Bureau (PPB) was the loaner. In May 1936, the BRH reported that the Sri Maha Racha Company owed the PPB for 200,000 baht. Sri Maha Racha was a hardwood forest concession company established in Chulalongkorn's reign by Chao Phraya Surasakmontri, which had borrowed 200,000 baht from the PPB in 1898.<sup>38</sup> The company was in debt to the PPB until Surasakmontri died in 1931, at which point the PPB took control of the company under the command of Prince Sawati, the father in law of King Prajadhipok. There is no other document containing information about the debt discovered by the BRH in 1936. However, a record of the Cabinet meeting in 1936 indicated that the debt was 250,012.24 baht including the interest. This suggests that the BRH might have discovered a different debt because the 1898 debt should have accumulated more interest if it still had not been settled by 1936. The company claimed that they had already settled the debt via Prince Sawati; however, there was no proof. After that, the government indicated that King Prajadhipok had pledged he would be responsible for the debt himself. Phraya Manawaratchasewi, the Acting Director of the PPB, suggested that the debt should be disregarded otherwise the monarchy's honors would be impugned. The Regent disagreed with him, however. When the Cabinet was informed that the debt was borrowed from an account which was a crown property budget, the leaders decided there was no reason to dismiss the debt.<sup>39</sup>

After that, the BRH cautioned the ex-King to settle the 200,000 debt. However, Prajadhipok did not recognize the BRH, according to Prince Upaleesan. The State Attorney confirmed to the government that there was enough evidence to file a lawsuit against the ex-

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<sup>38</sup> Lagsamee Rattasampant, "Field Marshal Chao Phya Surasakmontri and His Business Enterprise, 1885-1931," MA Thesis, Department of History, Graduate School, Chulalongkorn University, 1980, pp. 80-81

<sup>39</sup> Record of the Cabinet Meeting, 7/1936, 20 May 1936

King. The Cabinet was apparently reluctant to sue the former monarch, so they demanded that the BRH find other ways to resolve the issue.<sup>40</sup> However, the State Attorney suggested that there was no other way to solve the problem, so the government had to file a civil suit against the ex-King. Pridi Bhanomyong, the then-Minister of Foreign Affairs, proposed to settle the lawsuit through compulsory arbitration. The Cabinet agreed with him and offered this option to Prajadhipok.<sup>41</sup> However, to pursue this method required the approval of both sides. The ex-King apparently did not want any negotiation, since he did not reply to the government's offer. The Cabinet was forced to ask the Siamese Ambassador based in London to notify him.<sup>42</sup> Prajadhipok still kept quiet. This left the government with two options: sue him or to cancel the debt without any compensation.

At this point the 200,000 baht debt became enmeshed with Klai Kangwon Palace due to Prajadhipok's offer in March 1937 (when the BRH was preparing to occupy the royal residence) through Prince Upaleesan to the Regent to give Klai Kangwon Palace to the government to settle the debt. The Regent then asked the Prince to write a formal letter to the government.<sup>43</sup>

It is unclear whether Prince Upaleesan's actions were taken under the ex-King's guidance. As he was the manager of Prajadhipok's property in Siam, the Prince was probably in frequent contact with the ex-King. It seems impossible that Upaleesan would make any important decision without Prajadhipok's approval. However, it was a formal offer Prajadhipok submitted to the government. The Cabinet, at their meeting on 26 March 1937, considered his letter offering Klai Kangwon palace to settle the 200,000 baht debt.

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<sup>40</sup> Record of the Cabinet Meeting, 55/1936, 23 October 1936

<sup>41</sup> Record of the Cabinet Meeting, 57/1936, 28 October 1936

<sup>42</sup> Record of the Cabinet Meeting, 66/1936, 23 December 1936

<sup>43</sup> Record of the Cabinet Meeting, 85/1936, 15 March 1937

As the Cabinet ordered the Bureau of the Royal Household to occupy the Klai Kangwon palace, the representative of King Prajadhipok has been noticed to leave to palace since the 23th. The occupation has been pursued. In addition, Prince Upaleesan brought the letter of the King offering to settle the debt with the Klai Kangwon palace.<sup>44</sup>

It was obvious that the documents provided a different depiction of events from that of Queen Rambai Barni's memory. The offer to resolve the 200,000 debt with Klai Kangwon palace did not come from the government as the Queen recalled it; rather, it was from King Prajadhipok.

Prajadhipok imposed some conditions on his offer. He reserved the rights to the jewelry of Queen Rambai Barni and to a house occupied by two princes which was located in Klai Kangwon palace. The ex-King also asked the government to pay for workers in the palace to continue to maintain it. The government's response was predictable: 1) they denied Prajadhipok's offer, insisting that Klai Kangwon Palace was a crown property not an asset of the ex-King; 2) the Cabinet maintained that Prajadhipok had to pay the debt unconditionally; 3) the government refused to allow the two princes to stay in the palace because it was a crown property; 4) the Cabinet approved to return only those of Rambai Barni's ornaments on which the Queen's acronym was inscribed; and 5) the Cabinet maintained that they could not guarantee to provide jobs for the workers in Klai Kangwon palace and indicated that the continuation of these jobs was dependent on individual bureaucratic departments.<sup>45</sup> However, the 200,000 baht debt remained unresolved.

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<sup>44</sup> Record of the Cabinet Meeting, 88/1936, 26 March 1937

<sup>45</sup> *Ibid.*



In sum, the basis of the conflict between the government and Prajadhipok over Klai Kangwon Palace was the separation of the personal property of the King from the property of the crown. From Prajadhipok's point of view, Klai Kangwon Palace was still his personal asset that he could dispose of as he wished, which might explain why the ex-King did not accept the government's offer. Simultaneously, the government was attempting to enact the Crown Property Act approved by Parliament and to settle the scandal of the Privy Purse's land sale, and this process lasted until July 1937. Thus, it was not until August when the Klai Kangwon issue and the 200,000 baht debt were considered again, but at this point the government apparently was reconsidering over the lawsuit.

The changing political situation might be the most important factor which affected the new leaders' position. The notoriety of the Privy Purse's land sale seemingly undermined the stability of the government and decreased the confidence of the new leaders in their control of royal court affairs. A Cabinet meeting in late August had an agenda item for the 200,000 baht debt; at this time, the government approved Pridi's idea to end the lawsuit through arbitration, but the ex-King had not replied. Khun Samaharnhitakhadi (hereafter Khun Samaharn), the Deputy Minister of Finance (acting as the Commander of the BRH), suggested the government should temporarily confiscate Prajadhipok's personal assets until the 200,000 debt was settled. He also asked the Ministry of Foreign Affairs to contact Prajadhipok again. At this point, Pridi Bhanomyong, the Minister of Foreign Affairs, said that to reissue the lawsuit required another dispatch from the BRH, 'because the last time [contacting the ex-King] Klai Kangwon palace had not been decided crown property.'<sup>46</sup> However, Pridi's memory concerning this was not accurate, since by the time the Ministry of Foreign Affairs contacted Prajadhipok regarding the Klai

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<sup>46</sup> Record of the Cabinet Meeting, 8/1937 (Second Administration), 25 August 1937

Kangwon lawsuit in October 1936, the Cabinet had already decided that the royal residence was a property of the crown.

Khun Samaharn, whose responsibility directly concerned the royal court, was apparently worried about the lawsuit. On the one hand, he had just been appointed a minister of the new government after the Privy Purse land sale. On the other hand, the 200,000 baht debt had not been settled for months. To resolve the debt, Khun Samaharn resubmitted the lawsuit to the Cabinet meeting in October, and suggested again that the government should seize Prajadhipok's private properties until the debt was settled.<sup>47</sup> However, the Cabinet decided to wait for Prajadhipok's response.

In late October 1937, the government decided to compromise, which led to the reconsideration of Klai Kangwon palace's status. In a Cabinet meeting, Khun Samaharn reported that Prajadhipok's representative had asked again for some of the ex-King's private property. He also warned the government to settle the 200,000 baht debt and the Klai Kangwon lawsuit. Prince Wan indicated that there was definite evidence showing that Prajadhipok really guaranteed the 200,000 baht debt. However, the Prince suggested that the government needed to reconsider whether the Klai Kangwon Palace was crown property. According to Prince Wan, the expenditures for the construction and maintenance of the palace might have come from Prajadhipok's private money. If the amount was close to 200,000 baht, then the debt could be remitted.<sup>48</sup> No minister disagreed with the Prince's suggestion. Luang Narthnithithada said that "[I] really want the case settled. The King also spent his money in the construction of Klai Kangwon. His stuff should be returned to him, so that the case can be ended."<sup>49</sup> The Cabinet

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<sup>47</sup> Record of the Cabinet Meeting, 15/1937 (Second Administration), 13 October 1937

<sup>48</sup> Record of the Cabinet Meeting, 17/1937 (Second Administration), 27 October 1937

<sup>49</sup> *Ibid.*

apparently agreed to end the lawsuit as soon as possible, even if the government lost money. Pridi even suggested that the Cabinet should issue a formal compromise agreement. The government approved the suggestion and appointed the Minister of Finance and the Director of the State Attorney to complete the agreement.

However, the lawsuit could not be settled as soon as the government intended. Due to parliament procedures, the Cabinet's term in office expired in November 1937. After the general election, Bhahol was again voted by the MPs to be Prime Minister. Khun Samaharn was replaced by Phra Sarasasraphan. However, the 200,000 baht debt and the Klai Kangwon lawsuit remained unresolved, and Phraya Bhahol then ordered Phra Sarasasraphan to revive the compromise agreement.<sup>50</sup> His report submitted to the Cabinet comprised two significant parts: the assessment of Prajadhipok's involvement in the 200,000 baht debt and how to settle the debt.

Phra Sarasasraphan tried to assess the likelihood of the government winning the lawsuit if it was submitted to the court. According to him, the commitment of King Prajadhipok in the 200,000 baht debt had an alternative interpretation: although his letter certainly guaranteed the debt, it was not an unconditional pledge, and further, due to his offer to exchange Klai Kangwon palace for the debt, his previous guarantee might then be void. This interpretation suggested that the Sri Maha Racha Company in debt to the Privy Purse. Thus, King Prajadhipok might avoid being accountable for the debt and the lawsuit against him might not be worth pursuing.

Phra Sarasasraphan's suggestion resolved the issue of the lawsuit. He argued that there was only one way for the 200,000 baht debt to be remitted: the institution of the monarchy, as the creditor, should provide the mercy to Prajadhipok, its debtor. Sarasasraphan indicated the

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<sup>50</sup> Record of the Cabinet Meeting, 2/1938, 11 May 1938

Cabinet that Prajadhipok had sent a letter to the Council of Regency in the previous September asking for immunity from the debt. The government should comply with the ex-King's request, Sarasasraphan argued. The government did not disagree with this suggestion, but they offered a condition that Prajadhipok had to accept that Klai Kangwon palace was crown property. According to the Cabinet meeting record, no minister questioned this; Prince Wan indicated that he had reviewed Phra Sarasasraphan's proposal and he did not have any objection. Eventually, the Cabinet issued a resolution approving the remittance of the 200,000 baht debt. Four months later, Prajadhipok reportedly accepted the government's offer. The lawsuit was resolved in September 1938.

In conclusion, the Klai Kangwon lawsuit was an immediate result of the separation of the private property of the monarch from crown property. The government held that the palace was a property of the crown. King Prajadhipok did not recognize this resolution and tried to maintain the occupation of the palace, but later offered the palace to the government to settle the 200,000 baht debt. The government initially declined his offer because the palace had been determined to be crown property. However, the government's decreasing stability due to the scandal of the Privy Purse's land sale caused it to reconsider the Klai Kangwon lawsuit. In the end, the government remitted the debt by applying the traditional principle of royal mercy and required the ex-King to accept that Klai Kangwon was crown property.

Prajadhipok never accepted that Klai Kangwon palace was crown property, which might reflect his opinion concerning the management of crown property in general, i.e., neither he nor other royal family members accepted the exclusion of the monarch from the power to manage the crown property, which led to conflicts between the royals and the government.

### 5.3 The Confiscation Lawsuit

In Bhahol's administration, the CPCC managed the crown's property, especially the separation of the private properties of the monarch from crown properties. This committee's duties ended when Bhahol resigned. When Phibul established his first administration in December 1938, Prince Wan suggested that this committee was no longer necessary due to the promulgation of the 1936 Crown Property Law.<sup>51</sup> According to the Law, an advisory committee was to replace the CPCC. However, the management of properties of the royal court had not been completed, and this investigation led to the assignment of what would later become the Crown Property Audit Committee (CPAC). The CPAC would take a significant role in the financial prosecution against King Prajadhipok and Queen Rambai Barni.

The inquiry into the unfinished duties of the CPCC was the reason for the existence of the CPAC. Two months after Phibul became Prime Minister, the Office of the Royal Private Secretary (ORPS) reported to the government that there were properties withdrawn from the Hong Kong and Shanghai Bank in 1936 which were still unexamined. As mentioned previously, the last examination of such assets occurred during the meeting for which the CPCC invited Queen Savang to be the chairwoman. In addition, there were reportedly some properties of the crown scattered in several places. The ORPS recommended that the government should retake those properties. The Cabinet ordered the BRH to hand over any remaining assets in its control to the Ministry of Finance.<sup>52</sup> Accordingly, the government also appointed a group responsible for collecting those scattered properties which included an officer of the Auditor General, Prayun Bhamornmontri, Luang Wichit Wathakarn, Khun Samaharn, and the royal private secretary.<sup>53</sup>

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<sup>51</sup> Record of the Cabinet Meeting, 3/1938 (Second Administration), 30 December 1938

<sup>52</sup> Record of the Cabinet Meeting, 13/1938 (Second Administration), 20 February 1939

<sup>53</sup> Record of the Cabinet Meeting, 15/1938 (Second Administration), 27 February 1939

About a month after its appointment, the group became the CPAC, whose chairman was Luang Kajsongkram, the Deputy Minister of Finance. The CPAC's first proposal was to exhibit crown properties to the public which later became the royal museum.<sup>54</sup> However, the most significant duty of the CPAC was to initiate a lawsuit against King Prajadhipok and Queen Rambai Barni.

Two months after its appointment, the CPAC discovered some abnormalities in the crown property accounts. According to the committee's report, Prajadhipok transferred some assets of the crown to his own bank accounts, including one bank account in London and one bank account located in the United States of America which had been initiated in the reign of King Chulalongkorn, each of which contained 100,000 pounds. The owner of those accounts was originally named 'King of Siam.' According to the committee, in October 1932 King Rama VII had this name changed to 'King Prajadhipok'.<sup>55</sup> Moreover, the committee discovered some documents indicating that Prajadhipok had bought several insurance policies abroad by using money of the crown and put Queen Rambai Barni's name and his own as the beneficiaries.<sup>56</sup> The amount of money was 1,925,134.12 baht. These two financial transfers would become the main grounds for the lawsuit.

Initially, the Cabinet asked the CPAC and the State Attorney to propose their legal opinions concerning the CPAC's findings. Phraya Atthakareeniphon<sup>57</sup>, the Director of the State Attorney, suggested that the government should try to take the assets back. There were several

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<sup>54</sup> Prakan Klinfoong, "Royal Museum and Nationalism of the People's Party," in Isara Chusri (ed.), *Museum Refocused* (Bangkok: National Discover Museum Institute, 2016), pp. 191-207

<sup>55</sup> Record of the Cabinet Meeting, 2/1939, 8 April 1939

<sup>56</sup> Record of the Cabinet Meeting, 24/1939, 5 July 1939

<sup>57</sup> Phraya Atthakareeniphon (1895-1977) was a well-known bureaucrat in the state attorney circle. He was appointed the Director of the Department of State Attorney in the decade the People's Party was in power. After the revolutionary government faded from Thai politics, Phraya Atthakareeniphon had been one of the legal advisors of the military cabinets. He was a member of the Constitution Drafting Assembly which originated the 1949 royalist Constitution, and was reportedly the one who created the notorious Article 17 of the 1959 temporary Constitution which provided great power to the dictator Field Marshal Sarit Thanarat. See Yuenyad Jaisamut, *Ancestors of the Thai State Attorneys* (Bangkok: Siam, 1994), pp.99 – 105, and *Memorial in the Funeral Ceremony of Phraya Atthakareeniphon (Sith Chunnanond)*, 17 July 1978

ways for the Cabinet to do this, including a negotiation with Prajadhipok or a legal mechanism. Although ministers did not reach agreement, they issued a resolution in accordance with an opinion suggested by Pridi and Phibul that they should first try to negotiate. However, the Cabinet also appointed the CPAC and the State Attorney to prepare for the legal procedure.<sup>58</sup> This resolution of the Cabinet showed that the government's leaders tried to avoid the lawsuit, and that they preferred to compromise with the ex-King.

Furthermore, the new leaders tried not to break the legal principle concerning retrospective law, about which the People's Party was often critiqued by royalist texts; their claim was that King Prajadhipok transferred those assets before the Crown Property Law was promulgated thus to prosecute him in any way for this involved retrospective law, 'which there was no any human did like this.'<sup>59</sup> Pridi himself mentioned this point the first time the lawsuit was submitted to the Cabinet and warned that it was unclear whether King Prajadhipok had any power over the properties of the Crown before the enactment of the first Crown Property Law. It was also problematic whether the government could recall those assets, Pridi cautioned. Phraya Atthakareeniphon, the Director of the State Attorney, suggested that Prajadhipok's deed was wrong even if there was no Crown Property Law because it was not a normal transaction. Rather, Phraya Atthakareeniphon contended that the ex-King intentionally transferred the properties of the crown to his personal authority. The indictment the Ministry of Finance submitted to the Civil Court did not mention the Crown Property Law but instead cited the first two Constitutions which were enforceable during the transactions as the legal foundation of the accusation. Thus, this lawsuit was not an *ex post facto* legal procedure.

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<sup>58</sup> Record of the Cabinet Meeting, 13/1939, 9 June 1939

<sup>59</sup> Nai Honhuai, *Prince Prajadhipok: The King Who Departed*, p. 658-659

The confiscation of Prajadhipok's properties was also criticized by the royalist texts. Indeed, seizing the assets of the defendant before the Court issued its judgment was an ordinary process mandated by Article 254 of the Siamese Code of Civil Procedure intended to prevent defendants from hiding their assets. Initially, however, Phibul's government did not immediately decide to hold Prajadhipok's properties.<sup>60</sup> After the Department of Lands reported that Prince Upaleesan tried to transfer ownership of the ex-King's land, the government still chose not to seize his assets but to negotiate with him instead<sup>61</sup>; however, as a result of this attempt, the Prime Minister approved the CPAC to initiate a lawsuit against Prajadhipok and to ask the Civil Court to confiscate the ex-King's assets in Siam. The authors of the indictment were Luang Kajsongkram, who was the CPAC's chairman, the Director of the State Attorney, the Auditor General, and Pridi Bhanomyong.<sup>62</sup> Eventually, the Ministry of Finance, as the plaintiff, submitted the indictment to the Civil Court on 17 July 1939.

The indictment comprised two main parts: the accusation and the request for the confiscation. In the accusation, the indictment provided detail of each transaction, all of which were ordered by King Prajadhipok and claimed that Prajadhipok had no rightful power to enact these transactions because all transfers took place when the country had been already changed to constitutional government and had been performed without the approval of a minister. In the request, the indictment detailed specific parts of Prajadhipok's land which the Court should confiscate to prevent their being transferred.<sup>63</sup> The Civil Court accepted the indictment<sup>64</sup>; however, the request to seized Prajadhipok's properties was rejected.<sup>65</sup>

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<sup>60</sup> Record of the Cabinet Meeting, 13/1939, 9 June 1939

<sup>61</sup> Record of the Cabinet Meeting, 25/1939, 7 July 1939 Nai Honhuai, *Prince Prajadhipok: The King Who Departed*, p.662 did not know of such a transfer, so he claimed that "no matter how the lawsuit would lasted, with the honors of the ex-King of the Chakri Dynasty, the transfer might have not easily happened."

<sup>62</sup> Record of the Cabinet Meeting, 28/1939, 17 July 1939

<sup>63</sup> *Prachachart*, 18 July 1939, pp. 1 and 33, and *Prachachart*, 19 July 1939, pp. 1, 2, 4, and 32



The Civil Court refuted the plaintiff's requirement because there were only witnesses providing verbal testimony to the Court concerning the transfer. According to the Civil Court, to confiscate the defendant's assets required more textual documentation that Prajadhipok transferred his lands in order to avoid the Court's jurisdiction. However, citing Article 255 of the Code of Civil Procedure, the Appeal Court judged that the witnesses' testimony sufficed. Furthermore, the transfers of Prajadhipok's lands had been completed and one of the recipients was a brother of Prince Upaleesan, the defendant's representative. Thus, the Appeal Court saw the plaintiff's requirement as valid and issued an order to confiscate Prajadhipok's assets in Siam. Such an order also covered any interest monies the ex-King might have obtained.<sup>66</sup> This meant that the profits Prajadhipok received from his private investments would be confiscated as well.

According to the Code of Civil Procedure, the purpose of the confiscation of the defendant's properties was to prevent the defendant from transferring their assets from the Court's jurisdiction so that, if they were found guilty, their property would still be sufficient for compensation to the plaintiff. The confiscation began on 23 August 1939, only two days after the Court of Appeal issued its order. Luang Kajsongkram, as the chairman of the CPAC, cooperated with officials of the Division of Law Enforcement in seizing assets in the royal residence of Sukhothai and Prajadhipok's investment office. They also made a list of Prajadhipok's properties and assessed the value of most items. The seized assets comprised real estates, chattels, cash, and stocks, all of which were about 4,030,000 baht.<sup>67</sup> After the confiscation, the properties were not

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<sup>64</sup> *Prachachart*, 20 July 1939, pp. 1 and 35

<sup>65</sup> *Prachachart*, 19 July 1939, pp. 1 and 2

<sup>66</sup> *Khao Khosanakan* 6: 2 (25 August 1939): 3-7

<sup>67</sup> Chairman of the CPAC to Prime Minister, 30 October 1939 in Office of the Cabinet Secretariat, SLK 3.22.9/6 This indication contrasted to Nai Honhuai who assessed the seized properties as being worth slightly more than 3 million baht.

under the control of the Ministry of Finance; rather, they were controlled by the Division of Law Enforcement.

Types	Value (baht)
Cash	102,693.33
Chattels	289,223.10
Stocks	155,560.00
Lands and Buildings	2,720,727.00
Mortgage, loan, etc.	546,801.13
Other	223,382.00
Total	4,038,386.56

Table 5.1: Values of King Prajadhipok's Assets confiscated in 1939<sup>68</sup>

The highest value item among Prajadhipok's properties was real estate. According to Luang Kajsongkram's report, his team had seized 75 pieces of land and buildings, probably including Sukhothai palace, which amounted over 2.7 million baht, or more than a half of the value of all confiscated assets. Moreover, there were more 6,000 *rai* of lands in provincial areas whose prices had not been assessed. The next highest value item was the income from mortgage, loaning, rent, and interest, the sum of which was more than 500,000 baht. Cash and stocks constituted 100,000 baht each. The remainders, small items (chattel) from Sukhothai palace and other places, were valued more than 280,000 baht. After the confiscation, the CPAC suggested that the office of Prajadhipok's investments should be allowed to operate as usual. The committee only examined its monthly interest and provided this monthly amount to the Division of Law Enforcement. As recorded in the supporting documents, the business profits of Prajadhipok's investment office were regularly submitted between August 1939 and December

<sup>68</sup> Chairman of the CPAC to Prime Minister, 30 October 1939 in Office of the Cabinet Secretariat, SLK 3.22.9/6

1940. The monthly net profits were reportedly between 5,000 and 7,000 baht, with periodic maxima of more than 10,000 baht and periodic minima of only 1,000 baht.<sup>69</sup> According to the CPAC's report, the profit from Prajadhipok's investment office constituted income from rents of land and buildings (90,000 baht in the first six months of the office's control by the Division), along with interest from mortgages (20,000 baht in the same time period). Moreover, the office made profits from stocks and fees, as well as other sources. This information illustrated how King Prajadhipok obtained an income independent of the yearly budget provided by the government. He had operated his own personal businesses since he was a prince, and his pattern of investment – obtaining income from rental rather than direct venture in any company or industrial enterprise – was similar to that of other high ranking royal family members. In addition, the expenses of Prajadhipok's businesses included expenditures of Sukhothai palace and the payments for those under the ex-King's patronage.

In sum, in this section I have illustrated how the new leaders decided to initiate a lawsuit against King Prajadhipok and Queen Rambai Barni based on the unconstitutional transfer of properties (contrary to some political commentary) which lacked the approval of a minister; the lawsuit was not a retrospective lawsuit as it was generally understood. The Cabinet did not really want to sue the ex-King; rather, they first tried to settle the lawsuit through negotiation and by asking Prajadhipok to return those transferred assets. However, King Rama VII did not recognize the government's offer and tried to change the official ownership of some of his properties in Siam. At that point, the Cabinet was forced to initiate the lawsuit and to ask the Civil Court to confiscate those assets of the ex-King.

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<sup>69</sup> N.A. ST0701.1/27

#### 5.4 Prajadhipok's Thought

As described previously, King Prajadhipok had insisted throughout the conflicts with the government that Klai Kangwon Palace was his personal asset, which was the reason he offered the Palace to settle the 200,000 baht debt. He also indicated in his will that the palace would be given to Queen Rambai Barni after he died. During the lawsuit, King Prajadhipok also tried to claim his prerogative over the disputed assets. This indicated that the ex-King did not recognize the new system of crown property management the People's Party had established in Siam after the Revolution.

There was no document directly showing Prajadhipok's thoughts concerning the lawsuit; however, evidence from his intimate circle who communicated with the government during the lawsuit provided some useful information. In her interview with the press in 1973, Queen Rambai Barni recalled that after the government initiated the lawsuit against him, King Prajadhipok asked to return to and reside in Thailand to handle the lawsuit. Unfortunately, the government did not approve his request. The ex-King requested permission to move to India, but the government refused this request as well.<sup>70</sup> Queen Rambai Barni's memory is corroborated by a document containing a record of a Cabinet meeting, in which the ministers debated a telegraph from Prajadhipok asking to return to the country. As documented in the record, the Cabinet realized that the ex-King had the right to reside in the country; however, they did not want him doing so. Pridi Bhanomyong said that he was not worried about the lawsuit, yet he was concerned about the political effects. Luang Wichit Wathakarn even argued that there was no country which allowed an abdicated king to return. The Cabinet handled the ex-King's request by passing it to

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<sup>70</sup> Queen Rambai Barni, "An Interview," p. 13

the Council of Regency.<sup>71</sup> In the end, Prajadhipok did not move back to Thailand to plead the lawsuit nor did he move to India.<sup>72</sup>

Prajadhipok's thoughts were more obvious in the document Prince Upaleesan submitted to Khun Nirandonchai, the Royal Private Secretary, in January 1940. Nirandonchai had asked concerning the possibility of negotiating a compromise to end the lawsuit; the Prince informed the ex-King, who replied that he himself was not opposed to negotiation. However, in his view, it would not be possible unless the Regent were to be the mediators. In the same document, Prince Upaleesan offered 6 conditions for the compromise, with which (later documents indicated) the ex-King absolutely agreed.

The most important condition was that the government had to admit that Prajadhipok had a rightful prerogative to manage properties in the Privy Purse, and he could spend those properties as he pleased. Next, his representatives in Siam could investigate the Privy Purse financial accounts, so that they could examine whether the assets Prajadhipok transferred to his personal bank accounts were already compensated. (The government would benefit from these conditions because Prajadhipok would reimburse the money by estimation of his personal assets in Siam. However, Prajadhipok himself would be the one who chose which asset would be used in the compensation). There were other conditions concerning items to be handled after the negotiations were complete. The ex-King asked the government to make public the compromise and he required that the workers in Sukhothai Palace could maintain their jobs if the palace was to be transferred to the government's control.<sup>73</sup> It was obvious that in Prajadhipok's view, those

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<sup>71</sup> Record of the Cabinet Meeting, 47/1939, 2 September 1939

<sup>72</sup> Record of the Cabinet Meeting, 49/1939, 8 September 1939

<sup>73</sup> (copy) Prince Upaleesan to Royal Private Secretary, 24 January 1940, in Office of the Cabinet Secretariat, SLK3.22.9/6

disputed properties were his private assets, and the government had to comply with his view if they wanted any compromise.

How Prajadhipok pleaded the lawsuit also showed his thought about the lawsuit in particular and the new system of crown property management in general. In June 1940, the Ministry of Finance, as the plaintiff of the lawsuit, submitted both documents and personal evidence to the Civil Court and the lawyer for the defendants declared to the Court that all facts in the indictment of the plaintiff were true. In other words, the defendant decided to plead the lawsuit only on the basis of the principles of law;<sup>74</sup> this implied that from Prajadhipok's point of view, his transfer of the Privy Purse's properties was not illegal at all and he had the right to do so. Accordingly, before the investigation process began, Prajadhipok asked the Court to judge one of his arguments. He claimed that his deeds contested by the government were performed during his reign, so he himself as the King could not be prosecuted at all. Thus, the plaintiff could not sue him. Had the Court accepted this argument, the lawsuit would have been dismissed. Other arguments Prajadhipok submitted to the court were similar to the above one.

In sum, evidences showed that Prajadhipok's thoughts about the prosecution of the lawsuit in several occasions were consistent: he had the right to manage the properties in the Privy Purse as he pleased and the transfer of those properties to his personal bank accounts was not illegal.

### 5.5 The Government's Efforts to Compromise

Phibul's government tried several times to negotiate with King Prajadhipok to end the lawsuit prior to the court's judgment. However, the ex-King insisted that he would not discuss it

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<sup>74</sup> (copy) Chairman of the CPAC to Prime Minister, in N.A. ST0701.1/27

unless the government agreed to his conditions. Prajadhipok's stance gave the government no choice but to let the lawsuit proceed to judgement.

In any civil lawsuit, the litigants could negotiate a resolution under certain conditions. In addition to the ex-King's six conditions, the government had some of its own conditions. Prime Minister Phibul Songkram asked the plaintiff in the lawsuit to persuade the defendant to compromise.<sup>75</sup> In April 1941, the CPAC invited Prince Upaleesan to negotiate a compromise. Initially, the Prince offered a condition under which the government returned two pieces of land and 200,000 baht cash to King Prajadhipok in exchange for the remaining properties confiscated by the Division of Law Enforcement. The conciliation seemed to come true; the CPAC therefore let Prince Upaleesan ask King Prajadhipok to appoint his authorized representatives to make the compromise.<sup>76</sup>

However, the conciliation failed. Prajadhipok replied that the plaintiff had to agree with his six conditions.<sup>77</sup> Understandably, the government could not accept Prajadhipok's offer. According to the CPAC, if those conditions were approved, then the lawsuit was initially wrong. The ex-King also did not mention his insurance which was paid with the Privy Purse's money. Pridi argued that the conditions should not be accepted. Phibul said that the government needed to be kind in the people's eyes, thus the compromise might be necessary. The Prime Minister offered a new condition, under which the disputed money Prajadhipok would be required to pay was reduced by 25%, and this offer became a Cabinet resolution<sup>78</sup> (financially, this arrangement would have been to the government's disadvantage). This decision showed the government's

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<sup>75</sup> Record of the Cabinet Meeting, 29/1941, 31 March 1941

<sup>76</sup> Record of the CPAC Meeting, 26 April 1941 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>77</sup> (copy) Prince Upaleesan to Chairman of the CPAC, 13 May 1941 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>78</sup> Record of the Cabinet Meeting, 29/1941, 31 May 1941

effort to reconcile with Prajadhipok even though the ex-King was so stubborn. However, this offer was not sent because King Rama VII had already passed away.

However, the government still tried to negotiate with the ex-King's inheritors. Before he died, Prajadhipok had appointed his inheritance managers which comprised of Prince Upaleesan, Phraya Thepwithul, and Phraya Sriwisanwaja. The inheritors of Prajadhipok were Queen Rambai Barni and Prince Jirasakti. After Prajadhipok died, the Prime Minister ordered government officials to negotiate a further compromise over the lawsuit.<sup>79</sup> The CPAC organized a meeting with Prince Upaleesan. The Prince himself proposed that the reconciliation might be possible if the government reduced the disputed amount by half. The CPAC seemed to willingly accept this condition. However, the inheritors of Prajadhipok, who then resided in England, maintained that they would not negotiate unless all conditions of the ex-King were reified. The CPAC realized that any compromise with the defendant was useless. The government decided to let the lawsuit end in the court. In her interview decades later, as with other significant incidents of the lawsuit, Queen Rambai Barni did not refer to this negotiation with the government.

## 5.6 The Judgement

The Civil Court issued its sentence on 30 September 1941. Parts of this judgement have often been quoted in previous texts on the lawsuit. King Prajadhipok and Queen Rambai Barni were found guilty and the Civil Court ordered them to pay more than 6,000,000 baht to the Ministry of Finance. Two factors make this judgement interesting. First, the method by which the judgement was published reflected the politics of the lawsuit. Second, the reasons the Civil Court provided for its judgement rendered this not only a verdict of a general civil lawsuit but also an illustration of this unique period in Thailand's modern history during which actions of the

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<sup>79</sup> Handwritten note of Prime Minister, 3 June 1941, in Office of the Cabinet Secretariat, SLK3.22.9/6



monarch could be found guilty by a court of justice. This made the judgement exceptional. How the court judged each of Prajadhipok's arguments and the reasons the court used in its discussion constituted reflections on the monarch in the legal system of the constitutional monarchy.<sup>80</sup>

The sentence comprised four main parts. The first part was the plaintiff's accusation and request to confiscate Prajadhipok's assets. The second part was the nine arguments of the defendants. In the third part, the Court provided its responses to those arguments. The last part contained the court's judgement. The most interesting part was the third because it revealed the Court's arguments against the defendants.

No text on the lawsuit has ever published or analyzed the full account of the sentence. The first text which excerpted some parts of it was Silpchai Chanchalerm's political commentary mentioned previously. Silpchai depicted the lawsuit as one of the tragedies King Prajadhipok encountered due to the 1932 Revolution and one of the frauds of the People's Party in efforts to despoil the King's properties. The enactment of the 1936 Crown Property Law was a significant part of this plan, Silpchai argued.<sup>81</sup> He claimed that the Civil Court pursued the lawsuit in secret, publishing only the plaintiff's indictment and concealing Prajadhipok's arguments. In his text, Silpchai quoted only some parts of the Court's sentence: the indictment, the confiscation request, and the arguments of the defendants. He indicated that he could not find the other parts. As his work has been the only source available for later texts, the omission of the Court's reasons against each argument of the defendants from Silpchai's book was significant. The readers could not consider the reasons why the Court decided to judge the defendants guilty. Since the incomplete sentence was juxtaposed with the theme under which Prajadhipok had been badly

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<sup>80</sup> The judgement described here has been preserved by the Office of the Cabinet Secretariat and was obtained from a copied document attached in a report the CPAC submitted to the Cabinet.

<sup>81</sup> Nai Honhuai, *Prince Prajadhipok: The King Who Departed*, pp.658-666

treated by the new leaders, the lawsuit could have been understood to form a part of those injustices.

The Court's arguments against the contentions of the defendants are as follow. The nine arguments of King Prajadhipok and Queen Rambai Barni could be categorized into three groups: the prescription of the lawsuit, the King's power to manage the crown property, and other points. Regarding the last group, the defendant cited several Articles of the Civil Code to insist that the transfer of money was not illegal. For instance, in the fourth argument, the defendant cited Article 1382 of the Civil Code concerning adverse possession and claimed that they had peacefully and openly managed those assets for some time thus the contended properties legally fell under their ownership. However, the Court did not agree with this argument. In order to apply Article 1382, the Court stated, the occupation of the properties had to be against the rights of the owner; Prajadhipok had legitimately controlled the money due to his position as a monarch, thus this article could not be applied to the lawsuit and this argument was dismissed. The Court also dismissed the fifth argument in which the defendant claimed no responsibility for the results of the transfer of money since, according to the defendant, the order for the transfer was legally issued, stating that without proof of the order (and Prajadhipok did not provide any), the Court considered this argument invalid.

Regarding the argument about the prescription of the lawsuit, the defendant interpreted some legal provisions to reach conclusion that each accusation was expired. For example, the second pleading indicated that the defendant's deed could be applied to the Article 406 of the Civil Code which was about the undue enrichment. The third pleading claimed that the plaintiff's suit was about the illegal occupation of the assets. Both pleadings argued that the indictment was expired. However, the Court determined that the lawsuit was neither about undue enrichment nor

illegal occupation; rather, the plaintiff sued the defendant because the latter transferred the properties to his personal assets. The lawsuit concerned the ownership rather than the right of occupation, the Court stated. Furthermore, if the lawsuit had been about undue enrichment and illegal occupation it would not have expired due to the legally-determined time limits. Thus, this group of arguments was dismissed as well.

Another group of the defendant's arguments involved the principles concerning royal prerogatives of the King in the constitutional monarchy. The first argument contended that since Prajadhipok had transferred the money when he was King, according to Article 3 of the Constitution which stated that "the person of the King is sacred and inviolable," the plaintiff could not sue him. If the Court had accepted this argument, according to Article 24 of the Civil Code Procedure, the lawsuit would be ended and the defendants would be innocent. In its judgement, the Court cited Parliament's 1933 interpretation of Article 3 to the effect that if there was a civil lawsuit against the monarch, then the plaintiff had to sue the Minister of the Royal Household but noted that since Prajadhipok had already abdicated and the Minister of the Royal Household was therefore no longer his representative, thus the defendant could be sued for his post-abdication actions as a private citizen and the argument was invalid, leading to a wider perspective that the King's undertakings in the constitutional monarchy could be sued.

In the sixth argument, Prajadhipok argued that he had the right to transfer the contended assets to his personal bank accounts. According to the Court, the disputed properties were not private assets of the ex-King, and the defendant conceded this point. What had to be decided was whether Prajadhipok had a royal prerogative to manage those properties. The Court cited Article 7 of the 27 June 1932 Constitution (enforceable at the time of the transfer), which stated that "Any performance of the King has to be countersigned by a minister with the consent of the

People's Committee, otherwise it is invalid.” Since the disputed properties were inherited to Prajadhipok due to his kingship, the Court considered the transfer of money as an action of the King and thus void because there was no countersignature of a minister. The Court therefore also dismissed this argument.

The court's statements concerning the first and sixth arguments were important for the understanding of the constitutional monarchy during the People's Party period. First, the practice of countersigning was not only a written provision of the Constitution limited to royal and state affairs but instead embodied the concept that the ruler could not perform any public affairs without the consent of the government, as realized in the management of crown property during this period. Second, the judgement of the Civil Court indicated that any deed of the King in a constitutional monarchy could be undone if it was considered unconstitutional. However, this example had some limitations. In his article about Thawat Ritthidej, Somsak Jeamteerasakul remarks that what Parliament missed in the interpretation of Article 3 of the 1932 Constitution was to address the unconstitutional deed in which Prajadhipok performed a public affair without any minister countersigning it. In its judgement, the Court indicated that the result of the transfer had to be held void because Prajadhipok did it himself, but did not state whether his action was legal (no one among the leaders raised this point either).

Next, the Court's judgement also cited several documents the claimant provided during the lawsuit. Those documents were official letters exchanged between the Privy Purse and some international banks and insurance companies. Their contents illuminated the process of transferring the properties in the Privy Purse to the personal bank accounts of Prajadhipok and Rambai Barni. Chao Phraya Sriphiphat, the former Director of the Privy Purse, had a significant role in the documents. In order to complete what Prajadhipok had ordered, Chao Phraya

contacted the international banks. Based on their contents, all of these documents could be categorized into three groups: 1) documents involved in the relocation of the Privy Purse's money to the defendants' private assets; 2) documents concerning the life insurance of Prajadhipok and Rambai Barni; and, 3) documents concerning a tax refund paid to the defendant.

For the first group, the patterns of the process were quite similar. The process began with a letter from Chao Phraya Sriphiphat asking a bank to close an account of the Privy Purse and deposit the money to the accounts owned by Prajadhipok and Rambai Barni. After that, a letter from the bank would be sent to Chao Phraya notifying him that his request had been completed. For example, the portfolio of documents included two letters from Chao Phraya Sriphiphat to Hong Kong and Shanghai Bank and Charter Bank of India on 8 July and 23 August 1932, asking the banks to close the Privy Purse's bank accounts valued at 10,000 pounds and 75,000 Singapore dollars, respectively. Chao Phraya Sriphiphat also asked those banks to open new deposit accounts in the names of the defendants using the money from the closed accounts. There were letters from the banks indicating the transactions were accomplished. The money transfers described in the documents of this group amounted to approximately 3.6 million baht of all transferred assets of 4.2 million baht. The second group of documents concerned the expense accounts of the Privy Purse showing payments paid to the insurance companies. There were also documents from those firms indicating that they received the corresponding payments. The most important documents in this group were the letters signed by Chao Phraya Sriphiphat submitted to the insurance companies asking to have the interest deposited to Prajadhipok's bank account. The ex-King purchased his insurance for about 450,000 baht. The third group included a letter sent by the Siamese Ambassador in London to Chao Phraya Sriphiphat indicating that the Privy Purse's bank account in England received the tax refund (approximately 110,000 baht) and that

	Date	Bank/Company	Amount	Materials	
1	18 July 1932	Hongkong and Shanghai Bank, London	11,951 pounds 8 shillings 8 pence	document from Chao Phraya Sripiphat (8 July 1932) to HSBC asking for closing the PPB's account and depositing the money in the defendants' names	document from HSBC (19 July 1932) informing that the requirement had been done
2	20 July 1932	National Provincial Bank	29,430 pounds 6 shillings	document from Chao Phraya Sripiphat (8 July 1932) to National Provincial Bank asking for closing the PPB's account and depositing the money in the defendants' names	document from National Provincial Bank (20 July 1932) informing that the requirement had been done
3	27 July 1932	National City Bank, New York	367,653 USD 84 cents	document from Chao Phraya Sripiphat (8 July 1932) to National City Bank, New York asking for closing the PPB's account and depositing the money in the defendants' names	document from National City Bank, New York informing that the requirement had been done
4	25 August 1932	Hongkong and Shanghai Bank, London	544,680 bath 85 satang	document from Chao Phraya Sripiphat (9 August 1932) to Siamese Ambassador to England asking for transferring 500,000 pounds from HSBC to the defendants' bank accounts	document from Siamese Ambassador to England (25 August 1932) informing that the requirement had been done
5	29 August 1932	Charter Bank, Singapore	75,077 SD 59 cents	document from Chao Phraya Sripiphat (23 August 1932) to Charter Bank asking for closing the Privy Purse's bank account and depositing the money in the defendants' names	document from Charter Bank (5 September 1932) informing that the requirement had been done
6	6 September 1932	Charter Bank, London	28,554 pounds 3 shillings 3 pence	document from Chao Phraya Sripiphat (23 August 1932) to Charter Bank, London asking for closing the Privy Purse's bank account and depositing the money in the defendants' names	document from Charter Bank, Bangkok (4 October 1932) informing that the requirement had been done
7	22 September 1932	tax refund in England	10,455 pounds 14 shillings 7 pence	document from Siamese Ambassador to England (29 September 1932) to Chao Phraya Sripiphat informing of the tax refund which had already been deposited to the defendant's bank account in London	
8	8 October 1932	Manufacturer Life Insurance Company	300,000 baht	record of the payment, 8 October 1932	document from Manufacturer Life Insurance Company informing that the insurance contract had been complete
9	22 October 1932	Manufacturer Life Insurance Company	159,820 baht 26 satang	record of the payment, 8 October 1932	receipt issued by Manufacturer Life Insurance Company (22 October 1932) acknowledging the money from PPB
10	18 June 1934	Hongkong and Shanghai Bank, London	100,000 pounds	document from Chao Phraya Sripiphat (18 June 1934) to HSBC asking for transferring money from PPB to the defendants' bank account	document from HSBC (19 June 1934) to Chao Phraya Sripiphat informing that the requirement had been done

Table 5.2: Documents concerning the Asset Transfer mentioned in the Civil Court's Judgement<sup>82</sup>

<sup>82</sup> Office of the Cabinet Secretariat, SLK3.22.9/6

the Ambassador had already deposited the refund to the defendants' accounts.

The importance of this evidence was unmistakable, since it confirmed that Prajadhipok had transferred properties of the Privy Purse to his private assets. Although the original documents are now missing, their details described in the Court's sentence proved that Prajadhipok did transfer the Crown's property. The knowledge of the documents cited by this previously-unpublished part of the sentence might have changed how the lawsuit has been perceived. For example, according to Queen Rambai Barni's 1973 interview, there were two budgets involved in Prajadipok's expenditures during his stay in the country, i.e., his private budget earned as a royal since he was still a prince and the state annual allowance he was paid when a king. According to Rambai Barni, before leaving for England, "His Majesty had issued a formal letter ordering that his private money be reimbursed with the state's deposits he would spend abroad."<sup>83</sup> Prajadhipok and Rambai Barni left Siam for England in January 1934. The Queen's interview implied that the contested money had not been spent yet. However, according to the documents cited by the court, almost of the transfers of the Privy Purse's assets took place in 1932.

During the lawsuit, the defendants did not refuse the authenticity of those documents: their arguments emphasized only legal principles. The Court considered this evidence as fact. When all arguments of the defendants were dismissed, the Court sentenced Prajadhipok and Rambai Barni to pay the original 4,195,895.89 baht plus an annual 7.5 percent interest and the lawyer's fee of 20,000 baht, for a total of 6,592,713 baht.

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<sup>83</sup> Queen Rambai Barni, "An Interview," p. 12

### 5.7 After the Judgement

The financial confiscation against King Prajadhipok and Queen Rambai Barni did not end with the judgement of the Court. In general, the legal process ended when the antagonists complied with the judgement, after which there was a law enforcement procedure. However, the enforcement for this lawsuit could not be accomplished because of failed negotiations until the end of World War II.

The possibility to end the lawsuit emerged immediately after the judgement was issued. The Court did not approve the appeal of the defendants. Stating that the defendants did not have enough money, Prince Upaleesan asked the plaintiff to accept the confiscated assets as settlement of the amount owed instead of selling the assets at public auction which, the Prince claimed, would lead to the dishonor of the Crown.<sup>84</sup> However, Luang Kajsongkram, the Chairman of the CPAC, disagreed with the Prince, explaining that to accept the proffered assets (which had a value less than the amount owed) was not right since, in addition to the value being less, if any assets of the defendants were discovered in the future, then the plaintiff would not be able to request anything further. Consequently, the government did not accept the Prince's offer<sup>85</sup> and an announcement of the public auction of the confiscated assets was published in newspapers. The announcement indicated that those assets comprised royal ornaments and stock documents and that the auction would take place between the 8<sup>th</sup> and the 18<sup>th</sup> of January 1942.<sup>86</sup> However, the auction was cancelled by another announcement issued in late December 1941<sup>87</sup> because the Cabinet decided to accept Prince Upaleesan's offer and remitting the remainder of the debt.<sup>88</sup>

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<sup>84</sup> Prince Upaleesan to Prime Minister, 27 November 1941, in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>85</sup> Chairman of the CPAC to Secretary of the Prime Minister, 22 December 1941 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>86</sup> Suphoj Jangrew, "The Confiscation Case of King Prajadhipok's Properties," pp. 76-77.

<sup>87</sup> *Ibid.*, p. 78

<sup>88</sup> Cabinet Secretariat to Chairman of the CPAC, 2 January 1942 in Office of the Cabinet Secretariat, SLK3.22.9/6



Although there was no detail of the discussion in the Cabinet meeting, this resolution reflected the leaders' effort to end the lawsuit even though the solution might have disadvantaged the government.

However, the result was not as expected. The resolution of the Cabinet determined that the assets which would be brought to settle the debt included the inheritance of Queen Saovabha Phongsri, of which Prajadhipok was one of the heirs. Since there were a number of beneficiaries, the inheritance had been managed by a committee until it was transferred to the Privy Purse in 1927. Its initial recipients were King Vajiravuth, King Prajadhipok, Prince Asdang, Prince Chakrabongse, and Prince Chuthathuth. By 1942, when it was brought back to the intention of the government due to the financial prosecution lawsuit, the inheritance's liquid assets had been already distributed to the heirs; the remainder included real estate, stocks, and the interest of the money from rentals and loans. The question for the government was whether Prajadhipok's allotment in the inheritance could be included in the debt settlement; the Cabinet asked the Department of the State Attorney to determine how to proceed.

Phraya Atthakareeniphon, the Director of State Attorney, cited a document issued by King Prajadhipok in 1931, which ordered the Director of the Privy Purse to establish the inheritance of Queen Saovabha to be a collective fund and to share its interest with each beneficiary every six months. It was a royal command in the absolute regime, so its status was a law, Atthakareeniphon argued. Hence, the inheritance had to be preserved further as the collective fund, and the government could not include it in the debt settlement. However, because King Prajadhipok obtained part of the interest the government could collect those monies as part of the debt settlement. Phraya Atthakareeniphon suggested two options to the government. First, the plaintiff could sell all of the confiscated assets to settle the debt; for the next 10 years, if other

properties of Prajadhipok emerged, the government would confiscate them as well. Second, the government could end the lawsuit by accepting the assets already seized and not ask for more in the future.<sup>89</sup>

This suggestion almost led to the end of the lawsuit. Initially, the Prime Minister approved the second option, including Prajadhipok's part of the inheritance of Queen Saovabha.<sup>90</sup> This choice was also approved by the Regent and Prajadhipok's representatives. The Deputy Minister of Finance held a meeting with Prince Upaleesan and Phraya Manawaratchasevi to discuss a draft version of the contract to end the lawsuit.<sup>91</sup> However, this effort failed. Luang Kajsongkram immediately conceived a second thought that if the plaintiff collected Prajadhipok's part of the inheritance, it might prompt other heirs to do the same, which might lead to a lawsuit against the government.<sup>92</sup> Luang Kajsongkram's concern caused the Prime Minister to change his mind. He ordered that Queen Saovabha's inheritance be excluded from the contract. The Cabinet asked *Krissadeeka* to make a recommendation concerning the lawsuit.

Deoun Bunnag, the secretariat of *Krissadeeka*, suggested that Queen Saovabha's inheritance had already become a property of the crown, due to Prajadhipok's management of the inheritance during the absolute regime and the King's transfer of the allotment of the late Prince Asdang to his own accounts. Deoun interpreted these changes to mean that only the King could manage the inheritance, so it became crown property and no heir could claim a right to the inheritance.<sup>93</sup> If this interpretation had been approved, the government would have been able to manage Queen Saovabha's inheritance in the same way as other properties of the crown.

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<sup>89</sup> Director of the State Attorney to Cabinet Secretariat, 30 Marc 1942 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>90</sup> Cabinet Secretariat to Royal Private Secretary, 21 April 1942 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>91</sup> Director of the State Attorney to Deputy Minister of Finance, 11 May 1942 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>92</sup> Deputy Minister of Finance to Cabinet Secretariat, 11 May 1942 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>93</sup> Secretariat of *Krissadeeka* to Cabinet Secretariat, 17 June 1942 in Office of the Cabinet Secretariat, SLK3.22.9/6

However, the Cabinet was not confident concerning this recommendation, so *Krissadeeka* was asked again to reconsider the lawsuit.<sup>94</sup> As a result, the lawsuit was not resolved.

Deoun took a year to reconsider the lawsuit thus it could not be ended as early as expected, which meant that the confiscated assets could not be fully managed. For example, the Ministry of Public Healthcare which relocated to the Sukhothai Palace could not utilize all of the buildings because the ex-King's possessions still remained in some. In addition, the price of the assets might be higher than the value of the debt of the defendants. Luang Kajsongkram was concerned that the plaintiff might be misconstrued as taking advantage of the defendants.<sup>95</sup> He therefore asked *Krissadeeka* to hasten its consideration.

The later consideration of the secretariat of *Krissadeeka* was different from the first. Although Deoun held that Prajadhipok's demand to settle the inheritance as a collective fund was a law, Deoun did not conclude that the fund became crown property. Rather, he said that the government had to maintain the collective status of the inheritance. However, Deoun indicated that the plaintiff could collect Prajadhipok's interest from the inheritance to settle the debt.<sup>96</sup> This recommendation was quite the same as of the Director of State Attorney in 1942. For now, the Cabinet agreed with Deoun and approved the Ministry of Finance to negotiate with the representatives of the defendants.<sup>97</sup>

However, the lawsuit still could not be settled, because the representatives of the defendants did not agree with the plaintiff's offers and claimed that the values of the confiscated assets were higher than the government's estimates. If they accepted the deal, then Prajadhipok's heirs would be truly disadvantaged. They therefore offered a new draft of the settlement, in which

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<sup>94</sup> Cabinet Secretariat to Secretariat of *Krissadeeka*, 10 July 1942 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>95</sup> Deputy Minister of Finance to Cabinet Secretariat, 19 April 1943 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>96</sup> Secretariat of *Krissadeeka* to Cabinet Secretariat, 7 May 1943 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>97</sup> Cabinet Secretariat to Royal Private Secretariat, 3 June 1943 in Office of the Cabinet Secretariat, SLK3.22.9/6

the defendants would settle the debt with all the seized assets except two pieces of land, all shares, and 150,000 baht cash.<sup>98</sup> This offer made Luang Kajsongkram very angry; he blamed the representatives of the defendants for being selfish and dishonest.<sup>99</sup> The Cabinet's resolution over the lawsuit reflected the government's anger as well, insisting that if the defendants did not compromise, then all confiscated assets would be publicly auctioned as part of the settlement.<sup>100</sup>

At this point, the only item which could be confirmed was that the effort to settle the debt in 1943 had failed. In sum, after the Civil Court issued its judgment in September 1941, all attempts to settle the lawsuit failed albeit for different reasons. Thus, the lawsuit could not be ended almost two years after the Court's judgement.

The end of the lawsuit was eventually realized after the war. The new political clique following Phibul had different views on the lawsuit. However, the defendant still maintained their stance. Prince Upaleesan, now a manager of King Prajadhipok's inheritance, submitted a request to Kuang Abhaiwong's government but there was no response.<sup>101</sup> The Prince submitted the same request in November 1945 to Seni Pramoj's administration. The Prince's offer was that the defendant would settle the debt with 19 pieces of land (the combined value of which was approximately 4.7 million baht) in addition to 1 million baht cash. Due to the changing exchange rate of money, the debt the defendant had to pay in 1945 was now about 8.4 million baht (from 6.6 million baht at the beginning). Thus, if the offer was accepted, the plaintiff would lose about 2.7 million baht. Although Phibul's government would have refused the offer given this

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<sup>98</sup> Prince Upaleesan to Luang Kajsongkram, 12 June 1943 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>99</sup> Luang Kajsongkram to Cabinet Secretariat, 16 June 1943 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>100</sup> Cabinet Secretariat to Luang Kajsongkram, 21 June 1943 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>101</sup> Royal Private Secretary to Cabinet Secretariat, 14 November 1945 in Office of the Cabinet Secretariat, SLK3.22.9/6

condition, the postwar Cabinet's consideration was not restricted to only the value of the settlement.

On seeing Prince Upaleesan's offer, the Ministry of Finance (Luang Kajsongkram was no longer Deputy Minister) had a remarkably different view. Direk Jayanam, the new Deputy Minister of Finance, indicated that this lawsuit was the first legal action in which the King had been sued, thus it was truly scandalous. If the confiscated assets had been brought to public auction, the lawsuit would have been more disgraceful. In his opinion, the best way was to end the lawsuit as quick as possible no matter how much the plaintiff would lose; the political benefits far outweighed the loss.<sup>102</sup> Although Phibul's government also wanted to end the lawsuit, it did not wish to do if the plaintiff could have been disadvantaged. In contrast, the government's leaders after the War prioritized the notoriety of the lawsuit over the benefit of the plaintiff.

In December 1945, only two months after Prince Upaleesan submitted his offer, the Cabinet approved the Ministry of Finance's agenda.<sup>103</sup> A later political document indicated that the contract was finally completed on 26 November 1946<sup>104</sup>, almost a year after Seni's Cabinet approved the offer. The author of the document did not provide details of the contract other than indicating that the government did not gain more than what had been seized. Due to the lack of evidence, it is not clear that the final contract in 1946 was the same as the offer in the previous year. What can be confirmed here is that the postwar government had stronger intention than Phibul's Cabinet to compromise with the defendant. This was arguably one of the results of the changing political landscape of Thailand after Phibul Songkram's era.

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<sup>102</sup> Minister of Finance to Cabinet Secretariat, 19 December 1945 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>103</sup> Cabinet Secretariat to Royal Private Secretary, 27 December 1945 in Office of the Cabinet Secretariat, SLK3.22.9/6

<sup>104</sup> Nai Honhuai, *Prince Prajadhipok: The King Who Departed*, p. 680

## Conclusion

In this chapter, I approach the problem from a different perspective. While in previous chapters I examine how the new leaders applied the principles of a constitutional monarchy to the management of the crown property and royal finances, in this chapter I consider the results of applying the new system not via the Constitution. The prosecution was a civil lawsuit; however, it raised constitutional issues, i.e., the transferred assets became problematic because King Prajadhipok exercised his power unconstitutionally. Initially, the new leaders' thoughts concerning the lawsuit were uncertain, but they became clear in the indictment the Ministry of the Finance submitted to the Civil Court, in which the Constitutions were cited as the foundation of the suit. The reasons by which the Civil Court found the defendant guilty accordingly emphasized this point: the transfer became void because the King did not have any constitutional prerogative to perform it.

However, the verdict of the Court considered and judged only the result of the transfer and did not examine how to address the unconstitutional deed of the King. According to Luang Prajurd Aksornlak, any undertaking of the monarch which was in contradiction to the Constitution must be held as a fatal administrative mistake resolvable only by Parliament.<sup>105</sup> As Somsak remarks, one of the limitations of this lawsuit might be that King Prajadhipok had already abdicated, so he was prosecuted as an ordinary person. Somsak also suggests that if the suit had happened when Prajadhipok was still King, Parliament might have taken the responsibility to consider the lawsuit instead of the Court.<sup>106</sup>

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<sup>105</sup> Luang Prajurd Aksornlak, *The Constitutional Law: an Undergraduate Lecture*, p. 75

<sup>106</sup> Somsak jeamteerasakul, "The legal case against King Prajadhipok by Thawat Ritthidej," *Silpawattthanatham* (May 2005): 100 - 120

In this chapter, I also show that constitutional principles were not the only factor which determined the management of the crown property and royal finance. Rather, the circumstances of Thailand's political development altered the new system. Somsak's remark on the mysterious death of King Ananda might be applied to explain the lawsuit of Klai Kangwon palace and the lawsuit here. He observes that if the murder had taken place in the 1930s in which the People's Party had power, the results would have been different. There were three phases in the history of Thailand after the 1932 Revolution which affected how the new leaders treated the potential lawsuits against King Prajadhipok. Under Phraya Bhahol's administration, although the constitutional direction of the management of royal affairs (especially after King Prajadhipok's abdication) was clear, the determination of the leaders to control the crown property and royal finances was reduced by the instability of their government (as expressed through the compromise over the lawsuit of Klai Kangwon palace). Under the first premiership of Luang Phibul Songkram (1938 – 1944), the collective strength of the government arguably reached its peak. Their enemies faded from the political scene due to the new leaders' mechanisms of control; at this point, suing a former monarch such as King Prajadhipok was possible. However, the Second World War destroyed their strength, and resulted in the third phase in which Pridi's group chose to collaborate with the royalists in order to overthrow Phibul, thereby compromising the financial confiscation lawsuit.

## **Conclusion**

Based on contemporary documentary materials, this dissertation explores the constitutional implication of the management of properties and finance of the Siamese crown after the 1932 Revolution. The overthrowing of the absolute regime initiated a new kind of state. The country was ruled by the Constitution, the supreme law, rather than the sovereign as in the old regime. New institutions such as the Cabinet and the House of Representatives were introduced to the Siamese politics. However, the monarchy was maintained. Establishing the revolutionary political structure, the new leaders also tried to reform the institution of the monarchy. I argue that this reform was pursued in accordance with the 1932 Revolution's interpretation of the principles of the constitutional monarchy, and it was illustrated in the management of the crown property and the royal court's finance.

This study is in a sense an investigation of the history of constitutional monarchy in Thailand. As history is a discipline studying the specificity of a topic in a particular period, the constitutional monarchy in this dissertation contains specific meaning. To the 1932 leaders, to rule by the Constitution did not mean only that there was a written supreme law for administrative reference. Rather, the constitutional monarchy during the revolutionary period was the limitation of the royal power. In other words, the monarch was excluded from the state affairs. Behind this proceeding was the principle which held that the unelected Head of State, whose loyalty based on tradition, could not take any accountability, thus the position must not exercise any power which could affect the public, as to expressing opinions over the economic issues. Accordingly, the power to pursue every public performance of the monarch belonged to the minister, the representative of the people, who countersigned the affair instead of the King.



This scheme was applied not only to the state's administrative and legislative areas, but also the royal affairs.

As a result, the palace court administration and finance were also excluded from the royal prerogatives. After the Revolution, King Prajadhipok had gradually lost his prerogative to control the royal court. Eventually, after the King's abdication, the administrative level of the Ministry of the Royal Household was reduced, and it became the BRH. Further, the highest commander of the Bureau was the Prime Minister. This meant that the new leaders changed the palace court organization from the royal prerogative to their manipulation. Accordingly, this pattern was also applied to the management of the crown property. The 1934 Tax Exemption for Crown Property Law provided the government access to the palace's assets, and the 1936 Crown Property Law established state organization with the power to control properties of the crown.

Due to the reform, it was the first time in Thai history in which the principle concerning power and accountability was applied to the management of the royal court, the crown property, and the royal budget. This meant that the royal court's affairs became open to investigation. The budget for the palace was treated in the same fashion as other state finance. Its administrators operated their duties being subject to Parliament. As discussed in chapter 3, crown property management was scrutinized both by the House and the public, and, in spite of a significant limitation, even the Regent could not avoid this process. This could not have been possible if the constitutional reform had not happened.

Accountability of the management of the royal affairs was illuminated through the administrative command of the royal court, the parliamentary process of the annual royal budget, and the investigation of its undertaking. First, since its beginning, the BRH's highest commander was the Prime Minister. In practice, a minister would be appointed to be responsible for the

Bureau. Moreover, all appointments of its officials were determined by the power of the Cabinet. This hierarchically made the royal court's affairs subjected to the House of Representatives. Second, the annual allowance of the palace became treated as part of the state budget. It was initiated by the Cabinet, reviewed and reduced by the House committee, and even criticized by the MPs. This parliamentary process made the royal budget an affair of the state rather than the private expenditure of the King. Lastly, as it was treated an affair of the state, if some mistakes happened to the management of the royal court, the exploration process could be pursued. Had the affairs of the palace court remained royal prerogative, the investigation as to the Privy Purse's land sale could not have taken place, let alone the lawsuit against King Prajadhipok and Queen Rambai Barni.

In addition to changes of power, the royal court reform had effects on the political culture of the royals. As discussed previously, the relocation of power to provide the annuity to the new leaders made the grant lost its privilege meaning in which the King arranged it only for the royals. When the annuity became provided by the Cabinet, some royals refused to comply with the government's conditions, even though they would not be allocated. This implied the significance of the former meaning of the grant.

Comparatively, the management of the royal court was the model the leaders after the 1932 Revolution duplicated from the English Civil List system. After the new system was established, there were both similarities and differences compared to the English model. First, the exclusion of the monarch from the power to manage the finance of the royal court was a similarity. However, while the English Civil List covered only the management of the finance of the royal court, the Siamese expanded it to that of the crown property. Further, for the Great Britain, Parliament did not control the private budget of the sovereign: it remained a royal

prerogative. Rather, the administrative reform after the Revolution in Siam made the royal organizations, by which the personal expense of the King was managed, under the government control. The bureaucratic hierarchy of the BRH under the People's Party provided power to the government even to manage the private budget of the King. Further, the executive inclination of the political structure after the Revolution limited the accountability principle over the crown property management as illustrated during Field Marshal Phibul Songkram's premiership.

In addition, change in the management of the finance in the English royal court was a significant cause of the political structure in which Parliament had more power than the palace court. Contrastingly, the reform of crown property management in Thailand did not lead to the parliamentary supremacy system. Rather, it was a reflection of the executive power in Thai politics. After the 1932 Revolution, the main conflict was between the royals and the new leaders. Structurally, they were old and new executive branch struggling for power in the constitutional regime. However, under the political structure built by the new leaders, the executive was obviously determined superior to the legislative branch. The temporary Constitution provided more power to the House: the Cabinet was parliamentary appointed to work as a committee of the House and could not dissolve it. Nevertheless, the first permanent Constitution turned around this pattern. It provided the Cabinet the power not only to dissolve Parliament but also to appoint the second-category members. This made the executive could control the legislative branch.<sup>1</sup> Further, the conflicts after the Revolution which led to the civil war brought about the rise of the young military leader as Phibul Songkram. Given this situation,

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<sup>1</sup> Nakarin Mektrairat, *The Siamese Revolution B.E.2475*, chapter 8, and Thamrongsak Petchlert-anand, *The 1932 Revolution and a Year after* (Bangkok: Asian Studies Institution, 2000), chapter 2

the political party, a significant component of the parliamentary system, had not been settled until 1946.<sup>2</sup>

Accordingly, the management of the royal affairs, including the crown property and royal finance was transferred from the monarch to the Cabinet. The establishment of the BRH was obvious: it was determined under the power of the Prime Minister. In addition, the crown property which became held the asset of the state was controlled by the Ministry of Finance rather than Parliament. Thus, the political structure of Thailand did not develop the parliamentary supremacy as in England.

As described previously, the constitutional reform of the royal affairs encountered several limitations which eventually resulted in its failure. One of the major causes of this was that the new system of the royal court management was never really accepted by the people involving the palace, both royal family members and royalists. The true acceptance, which secured the reform, could have taken place when all players participated in the negotiation as in Great Britain in which Kings and Parliament had bargained over the management of the Civil List for decades and led to the parliamentary supremacy which was accepted by all sides. Contrastingly, in the Thai case, during the fifteen years when the constitutional management of the royal court was established, there was almost none king permanently residing in the country, and the major royals had gradually faded away from politics. This made the constitutional reform of the royal court a system which was pursued only by the new leaders.

This situation brought about unexpected results when the People's Party lost their power: the reform of the royal court became one of the principal agendas which the royalists really wanted to undo. The reshuffling of political power due to the World War II paved the way

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<sup>2</sup> Eiji Murashima, "Democracy and the Development of Political Parties in Thailand, 1932-1945," in *The Making of Modern Thai Political Parties* (Tokyo: Institute of Developing Economies, 1991)

for the royalist to come back by collaboration with their former enemies to accomplish the real goal. The management of the royal affairs had gradually lost its constitutional implication. The administration of the royal court and the power to control the crown property eventually became royal prerogatives.

However, it did not mean that the royal affairs after the regime of the People's Party were turned back to what had been in the absolutist state. Some institutional formats of the 1932 era were maintained despite the abolishment of the constitutional essence. After the 1947 coup d'état, there had always been a Constitution or a Charter used as the country's supreme law, and the general elections were held during the country was not directly ruled by the military. Further, even the countersignature process was maintained. However, the constitutional implication introduced by the 1932 Revolution was abandoned. First, the exclusion of the monarch from the public affairs was ended. In other words, the power to manage those affairs was united with the King. On the one hand, some significant public affairs in the revolutionary period were reinterpreted and turned to the private undertakings of the monarch, the management of the crown property and the royal court for instance. On the other hand, some initiated state affairs which should have been public were made under the royal prerogatives, for example, the 1949 Constitution provided the power to appoint the senators to the King, and it also determined that the appointment of the Speaker of the National Assembly was countersigned by the Privy Council's President who was not accountable to the people.

Second, the remaining process of countersignature had been pursued without the 1932 implication of constitutional monarchy. As discussed previously, the power over the affair exercised by the monarch was held truly belonged to the countersigner, a minister who was accountable to the House. After the People's Party's era, the countersignature became a process

which protected the King from any accountability in spite of his power over the affair. The provision in the 1948 Crown Property Law might illustrate this point. In a formal form, to spend the budget of the crown property had to gain royal authorization with a countersignature; however, the Law determined that the net profit of property of the crown would be expended in accordance with the king's wish. This meant that the countersignature process had lost its 1932 meaning. It just camouflaged the power of the monarch under the constitutional process.

From a wider perspective, the 1950s was an interval period between the 1932 constitutional era and the military dictatorship of Field Marshal Sarit Thanarat. Actually, as discussed previously, the constitutional principles of the royal affairs began alteration due to the situations after the War ended, especially the death of King Ananda. The collective strength of the promoters of the 1932 Revolution, who were the main agencies supporting the constitutional ideas, had weakened. Several practices of royal affairs were revised after since, one of which was the management of the crown property and royal finance. The promulgation of the 1948 Crown Property Law was a starting point which altered the constitutional principles over the royal affairs. How to frame the King's public performances in the 1950s became uncertain. From a historiographical view, writings on the constitutional law which promoted the 1932 principles published during that decade might have reflected such uncertainty. The case of Yud Saenguthai's radio broadcast in 1956 which directly aimed at King Bhumibol's public speech was arguably a decisive moment in which the two ideas about the exercise of the royal affairs clashed. On the one hand, the King's speech which performed without any countersignature embedded with the ideas which allowed the monarch to exercise public affairs by himself. On the other hand, Yud promoted the constitutional principle in which the true power of the royal affairs belonged to the countersigner. Ironically, the first idea eclipsed the second one by force due to

the 1957 coup d'état. It was the beginning not only of the military regime, but also the pattern to exercise royal affairs which completely ignored the constitutional monarchical principle. The remark of this change was a royal command appointing Sarit, the leader of the Army who stated the 16 September 1957 coup d'état, as the Military Caretaker of the Capital, in which there was no anyone countersigned. The King exercised the sovereignty by himself. After that, the countersignature had lost the constitutional implication: it was pursued only to complete the process of royal authorization.

Regarding the crown property management, in addition to its provision to locate royal prerogatives over the properties of the crown, the 1948 Law led to confusion in practice. Somsak argues that the legal status of the Crown Property Bureau could not be certainly identified, and even *Krissadeeka* whose responsibility was to interpret laws was also confused.<sup>3</sup> This was the situation of crown property management during the Ninth Reign.

In 2017, a few months after King Bhumibol passed away, important changes happened to the Thai royal court. An Act was promulgated, determining a new kind of regulation regarding the palace's administration, power, and finance. According to the new Law, the palace's undertakings would be completely held private affairs of the King. The Law obviously separated affairs of the state and the royal court from each other. It united bureaus concerning the palace court which used to be under other state organizations, such as the Department of Royal Guards of the Ministry of Defense, into a single agency. The new Law relocated the servants whose duties involved the royal affairs to be directly commanded by the monarch. Regarding the power in controlling the royal court, the Law determined that all its affairs would be pursued in

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<sup>3</sup> Somsak Jeamteerasakul, "What is Crown Property Bureau?," *Fadeawkan* 4: 1(2006).

accordance with the King's wish. Financially, the new royal bureau would be allocated by state budget; however, its incomes were not handed over to the state budget.<sup>4</sup>

Further, in July 2017, a new Crown Property Law was enacted. The Act clearly indicates that every operation of both private assets of the monarch and the properties of the crown must be exercised only in accordance with the King's wish. Further, the Law also determined the Crown Property Committee as an organ completely under the King's power.<sup>5</sup> Regarding the framework of this dissertation, what happened to the Thai royal court was the unity between the monarch and the management of the royal affairs, the crown property and royal finance. The constitutional principles of the royal court management were completely avoided. How this absolute power takes place in the Twenty-First Century Thailand involves the history of the constitutional thought and practice during the previous reign.

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<sup>4</sup> "Regulation of the King's Private Affairs Act, B.E. 2560," *Royal Gazette* 13, 48(1 May 2017): 1 - 5

<sup>5</sup> "Crown Property Act, B.E. 2560," *Royal Gazette* 134, 75 Ko(16 July 2017): 1 - 4



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